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HEARING
SENATE RULES COMMITTEE
STATE OF CALIFORNIA



STATE CAPITOL
ROOM 113
SACRAMENTO, CALIFORNIA

WEDNESDAY, JUNE 20, 2007
1:37 P.M.

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SENATE RULES COMMITTEE

STATE OF CALIFORNIA

HEARING

STATE CAPITOL

ROOM 113

SACRAMENTO, CALIFORNIA

WEDNESDAY, JUNE 20, 2007

1:37 P.M.

Reported by:

Evelyn J. Mizak
Shorthand Reporter

APPEARANCES

MEMBERS PRESENT

SENATOR DON PERATA, Chair

SENATOR ROY ASHBURN, Vice Chair

SENATOR GIL CEDILLO

SENATOR ROBERT DUTTON

SENATOR ALEX PADILLA

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Appointments Consultant

BILL BAILEY, Consultant to SENATOR ASHBURN

DAN SAVAGE, Consultant to SENATOR CEDILLO

CHRIS BURNS, Consultant to SENATOR DUTTON

BILL MABIE, Consultant to SENATOR PADILLA

ALSO PRESENT

DAVID GILB, Director
Department of Personnel Administration

SHERRY G. MEHL, Chief
Bureau of Automotive Repair

CHARLENE ZETTEL, Former Director
Department of Consumer Affairs

JIM CONRAN, President
Consumers First, Inc.
Former Director, Department of Consumer Affairs

AARON READ
California Society of Clinical Social Workers
California Dental Hygienists Associations

CHARLIE PETERS

Clean Air Performance Professionals

ALLEN WOOD, Executive Director

Collision Repair Association of California

JOHN NORWOOD

Progressive Insurance Company

SANDRA PEREZ, Director

Office of the Patient Advocate

Department of Managed Health Care Patient Advocate

ELIZABETH HELMS, President and CEO

TMS and Orofacial PAW Society of America

PHIL ISENBERG, Former Assemblyman

Citizen

LUPE ALONZO-DIAZ, Executive Director

Latino Coalition for a Healthy California

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Of the Board of Behavioral Sciences:
D'KARLA D. LEACH, RENEE B. LONNER,
KAREN M. ROYE, and VICTOR M. PEREZ

--ooOoo--

CHAIRMAN PERATA: Item 2-B is not to be. At the request of Senator Ashburn we're going to put Mr. Hoffman over a week, so he will not be considered today.

If any of you came a long way up here, I'm sorry. I have fresh coffee in my office, if you want to go up there. Or, stick around because this is always a hoot. You'll have a really good time. If you haven't been to the dentist lately, this will be great.

[Laughter.]

CHAIRMAN PERATA: We have Item 2-A, Mr. Gilb. There you are.

When we last met we talked about a couple of things that asked you to consider, and gave you an opportunity to give us an update.

MR. GILB: Certainly, Senator. I appreciate the chance to appear before the Committee again.

I do want to report to you on the status of the negotiations. I think that was one of the things that you expressed an interest in.

Following last hearing, I personally contacted the State Mediation and Conciliation Service to basically see how the progress is being made for the mediation.

I'm pleased to report we do have a fixed mediation schedule that is now set. Mediation begins tomorrow. We have mediation that has been set for at least six days through the rest of this month, with additional days available

1 as progress, hopefully, is being made.

2 I impressed upon the mediation service the
3 importance of these -- these mediations, these negotiations, the
4 importance of this contract, that it get settled.

5 They have, to my understanding and knowledge,
6 have decided to assign a second mediator to this dispute to
7 further help us along. We have a hotel that has been reserved
8 for these mediations.

9 And at least professionally in our discussions
10 with CCPOA in setting up the arrangements for these
11 negotiations, they have been as good as could be hoped -- as
12 hoped for in terms of --

13 CHAIRMAN PERATA: This isn't the Four Seasons.

14 MR. GILB: No, it's not the Four Seasons,
15 Senator.

16 I have personally also spoken to -- to one of the
17 mediators who will be mediating this dispute, and he certainly
18 understands the importance of -- of this mediation in trying
19 come to some resolution.

20 CHAIRMAN PERATA: Okay.

21 Gil, question?

22 SENATOR CEDILLO: Yes.

23 We had a good meeting yesterday. You know where
24 I'm at.

25 But I didn't ask you this yesterday, but did you
26 call CCPOA? Did you call Mike Jimenez?

27 MR. GILB: I did not call Mr. Jimenez directly.
28 We had contact with their -- with their counsel and their

1 lawyers to try to set up these mediations.

2 We did indicate when we would be available. We
3 indicated we were available all of last week. I did understand
4 that their counsel was out of town and was not available until
5 next week. And the dates that we have set was the -- the first
6 day that all the parties were available.

7 SENATOR CEDILLO: Any reason why you didn't call
8 Mr. Jimenez directly?

9 MR. GILB: We are pretty much committed, Senator,
10 to the administration to this process. I think that there's
11 going to be ample time to have the face-to-face discussions with
12 CCPOA and Mr. Jimenez when this gets forward.

13 We're here and we're deadlocked because we had
14 difficulty talking with each other. I think we need this --
15 this process to speed us along to an agreement.

16 CHAIRMAN PERATA: Anything further?

17 SENATOR ASHBURN: Let me make a couple of
18 comments.

19 I think it's very important that any current
20 negotiation not become the focus of a confirmation. That
21 instead, a confirmation is a review of the appointed, nominated
22 individual's qualifications, credentials, and abilities.

23 Certainly questions can be raised, and they were
24 during Mr. Gilb's last hearing, and I think they were good
25 questions, that if there were differences of opinion, they need
26 to be aired. Hopefully, that will help to resolve issues, and
27 negotiations can be difficult.

28 But I also think that it's extremely important

1 that a current negotiation not interfere with the review of
2 qualifications.

3 I think Mr. Gilb has superb qualifications for
4 this position.

5 My greater concern is for the state's personnel
6 system, this personnel system, the people who are employed by
7 the state, how they come into state service.

8 Once they come into state service, their
9 training, their performance, the evaluation of their
10 performance, their compensation. That is the delivery system
11 for the public in California of the services that the public
12 pays for and has a right to expect.

13 We have an outdated, cumbersome, nonfunctioning
14 personnel system. It's extremely difficult.

15 And my great hope is that Mr. Gilb will move
16 beyond negotiations as quickly as possible and be able to focus
17 on that, because that's the crying need. And I think that we
18 can bring a lot of people from a lot of divergent points of view
19 together in reforming the personnel system.

20 So, the question for me is, is this nominee the
21 right person at this time to lead that effort, given his
22 experience, temperament, judgment, and ability. And I'm quite
23 satisfied.

24 MR. GILB: Thank you, Senator.

25 SENATOR ASHBURN: So, I'll make the motion.

26 CHAIRMAN PERATA: I think Mr. Gilb would be real
27 happy to get on with some other things. Just a wild guess.

28 MR. GILB: It'd be fine.

1 CHAIRMAN PERATA: Actually, this should have been
2 set for vote only, because we had quite extensive testimony last
3 time.

4 We do have a motion now. Call the roll, please.

5 SECRETARY WEBB: Cedillo. Dutton.

6 SENATOR DUTTON: Aye.

7 SECRETARY WEBB: Dutton Aye.

8 SENATOR CEDILLO: I was --

9 CHAIRMAN PERATA: Asleep?

10 [Laughter.]

11 SENATOR CEDILLO: I was going to vote yes.

12 [Laughter.]

13 SECRETARY WEBB: Cedillo Aye.

14 CHAIRMAN PERATA: We move very fast here.

15 [Laughter.]

16 SENATOR CEDILLO: And I want to vote yes,
17 Senator.

18 But I do want to underscore again this contract
19 dispute is not any other contract dispute.

20 We, the Legislature, made a major commitment.
21 And if this commitment that we made is going to be successful,
22 it requires that this contract dispute be resolved.

23 I would have handled your situation differently.
24 I would have walked away from this meeting and called the
25 principal.

26 You have more experience in this area than I do,
27 but it's just something that I don't think helped.

28 We're going to get this contract resolved, and

1 we're going to move forward. Not confirming you would not add
2 to that, so yes.

3 SECRETARY WEBB: Cedillo Aye. Dutton Aye.
4 Padilla.

5 SENATOR PADILLA: Aye.

6 SECRETARY WEBB: Padilla Aye. Ashburn.

7 SENATOR ASHBURN: Aye.

8 SECRETARY WEBB: Ashburn Aye. Perata.

9 CHAIRMAN PERATA: Aye.

10 SECRETARY WEBB: Perata Aye. Five to zero.

11 CHAIRMAN PERATA: Five-zip, congratulations.

12 MR. GILB: Thank you. Thank you, Committee.
13 Appreciate it very much.

14 CHAIRMAN PERATA: There goes the room.

15 You're next, 2-C is Sherry Mehl, Chief of the
16 Bureau of Automotive Repair.

17 Welcome.

18 MS. MEHL: Welcome. Good afternoon, Senators.

19 The last 15 years of my career have been
20 dedicated to the protection of the consumers of this state.

21 Should I wait?

22 CHAIRMAN PERATA: You're actually bringing a
23 crowd in; that's great. Second seating.

24 [Laughter.]

25 CHAIRMAN PERATA: Would you like to introduce
26 your family so they can leave?

27 [Laughter.]

28 MS. MEHL: I'd like them to stay.

1 I'd like to introduce my mother, Elanita Perkins.

2 CHAIRMAN PERATA: Welcome.

3 MS. MEHL: And many friends. And I see many of
4 my employees here as well and supporters.

5 CHAIRMAN PERATA: Comp time.

6 MS. MEHL: Yes, they're working.

7 [Laughter.]

8 CHAIRMAN PERATA: This is how they learn, okay.
9 Go right ahead.

10 MS. MEHL: The last 15 years of my career have
11 been dedicated to the protection of consumers of this state. My
12 career has been both rewarding and challenging.

13 When presented with the challenge to lead the
14 Bureau of Automotive Repair, I believe that my -- that I had
15 much to contribute. My past experiences have well prepared me
16 for the opportunities and challenges at the Bureau of Automotive
17 Repair.

18 BAR has two major responsibilities. First, BAR
19 regulates the automotive repair industry and the main -- with
20 the main goal of protecting the consumer.

21 Second, BAR plays a pivotal role in cleaning the
22 air of this state through the Smog Check Program and the
23 regulation of all smog check stations, including the management
24 of a consumer assistance program. This program offers up to
25 \$500 for the repair of high polluting vehicles.

26 BAR develops and maintains the statewide
27 implementation of the electronic transmission system that
28 transmits all smog check information to Department of Motor

1 Vehicles necessary for the regulation of over nine million
2 vehicles per year.

3 BAR maintains and provides access to 300 million
4 records that support the Smog Check Program and facilitates
5 BAR's responsibility by providing timely information to
6 government agencies, consumers, industries, businesses, and
7 researchers.

8 I am pleased to announce that regulations for
9 testing the low pressure fuel evaporative system are in final
10 stages, and that the AB 1870 regulations for testing smoking
11 vehicles have been filed with the Office of Administrative Law.

12 I have worked diligently with my management team
13 to help me achieve my goals. Some of these goals include
14 enhancing consumer protection, educating consumers, meeting
15 vehicle emissions reduction goals, and providing a qualified
16 well-trained workforce.

17 In January, I implemented an Auto Body Inspection
18 Program which encourages consumers who have recent collision
19 repair and want BAR to validate the work that was performed on
20 their automobile. To date, over 500 consumers have called for
21 this service, resulting in over 200 inspections, and the rework
22 and return of thousands of dollars to consumers.

23 Lastly, I have been working in partnership with
24 state and local government agencies, setting up working groups
25 with Air Resources Board and the Air Quality Management
26 Districts to implement policies that improve air quality. I
27 have reaffirmed working relationships with the Department of
28 Motor Vehicles, the Department of Insurance for enhancing

1 consumer protection.

2 My commitment is to continue to improve and
3 develop the services that BAR provides, and I believe that my
4 skills and abilities match the challenges ahead.

5 Thank you.

6 CHAIRMAN PERATA: Thank you.

7 Senator Ashburn, do you want to get your car
8 checked?

9 SENATOR ASHBURN: No, we'll submit that later.

10 [Laughter.]

11 CHAIRMAN PERATA: Do you have any questions?

12 SENATOR ASHBURN: I do not.

13 CHAIRMAN PERATA: All right.

14 Any people in support?

15 ASSEMBLYWOMAN ZETTEL: Good afternoon, Members.

16 I want to express my support. I'm Charlene
17 Zettel, former State Assemblywoman, District 75, and former
18 Director of the Department of Consumer Affairs.

19 Sherry Mehl was an excellent Chief Deputy. The
20 years of service that she has given on behalf of consumers will
21 continue in the next few years, and I would appreciate you
22 giving her the chance to prove herself.

23 Thank you.

24 CHAIRMAN PERATA: Thank you.

25 MR. CONRAN: Mr. President Pro Tem, Members of
26 the Senate Rules Committee, my name is Jim Conran.

27 I hate to correct Senator Perata, but this wasn't
28 the second team coming in, because everyone knows that the JV

1 always plays before varsity when there's a big game. So, this
2 is the varsity that's in here today.

3 I am President of Consumers First, and I'm also
4 the former Director of the California Department of Consumer
5 Affairs under Governor Wilson.

6 I'm very enthusiastic about Sherry Mehl's
7 performance when I was Director and her performance since in
8 various positions in the Department of Consumer Affairs.

9 I've known her for over 15 years to be a very
10 conscientious, hard-working and honest individual. She has
11 always taken the role of protecting the public as the most
12 important aspect of her job performance.

13 When she first came to the Department 15 years
14 ago, she was brought in as Executive Officer of the Acupuncture
15 Committee, which was a committee that was involved in many
16 scandals, personnel problems. And she cleaned that up within a
17 matter of a few months.

18 Later on, when we had problems with the Board of
19 Behavioral Examiners, once again Sherry was selected as
20 Executive Officer and did the same outstanding job there.

21 She's served as an able transitioner between two
22 administrations. She has done an outstanding job as the Chief
23 Deputy at the Department of Consumer Affairs, and I believe
24 she'll do the same thing for the Bureau of Automotive Repair.

25 I would urge your support and that of the other
26 Members of the Senate. She's just a great individual, and I
27 know she'll do the state well.

28 Thank you, sir.

1 CHAIRMAN PERATA: Thank you.

2 MR. READ: Mr. Chairman and Members, Aaron Read,
3 representing the California Society for Clinical Social Workers,
4 of which my wife is one.

5 And BBSE, the board that she managed did, carry
6 them through a very difficult time. In representing our social
7 workers, I can tell you that she dealt with us honestly and
8 fairly, and was very thorough, worked day and night. She's a
9 perfect example of a state employee who is so dedicated, and yet
10 probably undercompensated for what they do.

11 Our Dental Hygienists, the California Dental
12 Hygienists Association, have also worked with her.

13 And on behalf of those of those groups, we want
14 to give her our strongest recommendation.

15 And I'm pitch hitting for Terry McHale, because
16 if he were here, he would be saying the same things. And he's
17 on his way, but he's not quite here.

18 CHAIRMAN PERATA: That's the story of Terry's
19 life.

20 [Laughter.]

21 MR. READ: Yeah. I thought we'd do this. And
22 this is on TV, so I'm going to play this back, Terry.

23 [Laughter.]

24 MR. READ: But thank you for listening.

25 CHAIRMAN PERATA: You're welcome. Thank you.

26 Any further in support?

27 There is, I believe, opposition here today about
28 the Progressive Insurance Company's Concierge Service.

1 I just want to know if you'll give us a brief
2 summary of the issue. Then I also want to know if this matter
3 is presently pending in court?

4 MS. MEHL: Yes, thank you, Senator.

5 There was a Cease and Desist Order issued against
6 Progressive Insurance in August of this year -- of last year,
7 I'm sorry. And based on the information that they had at the
8 time, that was the decision that was made by the former Chief of
9 the Bureau.

10 Subsequent to that, the Chief left. And there
11 were many discussions that went on between the attorneys for
12 Progressive and the attorneys for Department of Consumer Affairs
13 in educating the Progressive Insurance Company as to what the
14 current laws were in the state, and what they needed to do in
15 order to comply with -- with the laws of the state.

16 There was agreement that they would be in
17 compliance and bring their program into compliance with
18 California State law.

19 Upon that, there was a subsequent site visit by
20 the former Assistant Chief of the Bureau of Automotive Repair.
21 And upon his recommendation, the legal recommendation, the
22 decision was made to dismiss the Cease and Desist Order, but a
23 message was given that if there were any violations of
24 California State law, that the Bureau would take whatever
25 subsequent action was deemed necessary.

26 I became the Chief October 13th. There was a
27 lawsuit filed against me as the Chief of the Bureau on October
28 26th, and the -- the association that has filed the lawsuit has

1 also been providing some additional information, I believe.

2 I am somewhat precluded by information that I can
3 give out because the lawsuit is pending. We are currently in
4 deposition stage.

5 Subsequent to that, there have been -- there was
6 an additional complaint that has now led to an investigation.
7 So, BAR currently has an open, active, pending investigation,
8 and so, I'm not at liberty to discuss details for the protection
9 of all parties involved, obviously, in a complaint or in an
10 investigation.

11 CHAIRMAN PERATA: Okay.

12 MS. MEHL: That's kind of it in a nutshell.

13 CHAIRMAN PERATA: And now I hope you didn't do
14 that for nothing.

15 Any opposition here? Yes, sir.

16 By the way, Terry McHale just came in, for those
17 of you that mentioned him.

18 [Laughter.]

19 MR. PETERS: Yes, Senator. I'm Charlie Peters,
20 Clean Air Performance Professionals, representing a coalition of
21 motorists.

22 Sherry Mehl came on board sometime ago. She has
23 gained a tremendous amount of respect by an awful lot of people.
24 She works very hard at -- at communicating and trying to make
25 things work better.

26 However, having said that, I have three concerns,
27 and if this is an opportunity to make some things better in my
28 perception, I'm certainly going to give that a try.

1 One issue was that two years ago, there was a
2 piece of legislation being considered that had to do with the
3 marketplace and smog check. It had to do with test-only versus
4 gold shield, and there was a significant effort to pass a piece
5 of legislation.

6 I was there. I testified. And my understanding
7 of the position of the Senate Transportation Committee was that
8 they very summarily stated that moving the market for the
9 benefit of individual players in the market was not something
10 that they wanted to consider at all. Issues to improve program
11 performance, or to better -- to provide a better program for the
12 consumers, they were very interested in, and the bill died right
13 there.

14 Having said that, it appears to me as though that
15 particular issue is being carried forward due to -- I don't know
16 why, but it's being carried forward with regulations allowing
17 cars sent to test-only to go to gold shield, which was the very
18 item that the Senate, from my perception, rejected, and that
19 concerns me.

20 Another issue is that low pressure fuel evap
21 testing, I think that additional discussion is appropriate. It
22 was promised to the repair industry. There seemed to be a lot
23 of concern about that. The benefit to the air, et cetera, I
24 have difficulty in understanding, and we're carrying that
25 forward kind of in conjunction with the previous item.

26 Number three is that I had the great pleasure of
27 meeting with Sherry, and it was a delightful meeting. I brought
28 up something that I -- an opinion of mine, and we seemed to have

1 somewhat of a disagreement on it, and that is: whether or not
2 we ever find out if what's broken on a car actually gets
3 repaired. And in my opinion, it doesn't.

4 And I think this may be an opportunity to get
5 that issue on the plate. And I believe that addressing that
6 issue could create a very significant improvement in fraud in
7 the marketplace, and enhancing the Bureau of Automotive Repair's
8 position, and certainly in improving the consumers on how
9 they're treated by automotive repair.

10 And lastly, and we'll say probably not as
11 important, possibly remove as much as 50 percent of the
12 environmental -- toxic environmental impact of a fleet of cars
13 in California within a year.

14 So, those are the three issues that I am -- I am
15 interested in. And if this opportunity can provide any impetus
16 to getting those issues considered before this process goes
17 forward, I would really appreciate that, Mr. Chairman.

18 CHAIRMAN PERATA: Thank you.

19 MR. WOOD: Good afternoon Mr. Chairman, Members
20 of the Senate Rules Committee.

21 My name is Allen Wood. I'm the Executive
22 Director of the Collision Repair Association of California.
23 We're a trade organization of collision repairers who ascribe to
24 the highest standards, who support laws and regulations that
25 strengthen the contract between owners and repairers.

26 The CRA is opposed to Ms. Sherry Mehl's
27 confirmation as Chief of the Bureau because of her actions, and
28 most notably, her inactions that have compromised the contract

1 relationship between the owners and the repairers.

2 She's failed to enforce the laws and regulations
3 covering the activities of licensed automotive repair dealers.
4 In fact, the Collision Repair Association was forced to file a
5 Writ of Mandate in Sacramento Superior Court in October of 2006
6 to require the Bureau to enforce its own Cease and Desist Order
7 issued to Progressive Insurance Company on August 1st of 2006.

8 The BAR initially charged that Progressive needed
9 a license because the insurers operated in San Diego with a
10 program known as the Concierge Program, and that it constituted
11 work as an automotive repair dealer.

12 After Ms. Mehl's appointment as Chief of the BAR
13 in October of 2006, the Cease and Desist Order was rescinded
14 without a full explanation.

15 As reported in the L.A. Times on June 6th of
16 2007, the BAR inspector who led the investigation on
17 Progressive's Concierge Program said he was ordered to stop
18 investigating and stop talking to consumers who were affected by
19 the Concierge Program.

20 The CRA respectfully requests that the Committee
21 ask Ms. Mehl to: Explain why the investigation was halted; why
22 the inspector's been silenced; and why Progressive is allowed to
23 operate as a collision repair facility but without a license?

24 In the L.A. Times and in a letter to Senate
25 Rules, Ms. Mehl states that Progressive does not need -- has
26 agreed not to disassemble vehicles and diagnose problems which
27 are -- relate to mechanical malfunctions that she says requires
28 a license by BAR.

1 Our members in San Diego have complained for
2 months that Progressive is violating its so-called promise with
3 BAR and has looked on and done nothing.

4 On Friday, June 15th, 2007, the CRA
5 hand-delivered to Ms. Mehl the DVD clearly showing Progressive
6 employees engaged in the disassembly of a vehicle. The film was
7 shot May 15th, 2007, and it has been submitted to Ms. Mehl along
8 with a request that she do her job.

9 The rescission of the licensing order, a halted
10 investigation, a film of alleged unauthorized work raises series
11 questions about Ms. Mehl's objectiveness in conducting a fair
12 review of Progressive's Concierge Program. Ms. Mehl has allowed
13 Progressive Insurance to reap the benefits without the
14 liabilities that come with licensure.

15 And for this reason, CRA opposes her confirmation
16 and respectfully requests that the vote on Ms. Mehl's
17 confirmation be delayed until she's explained her regulatory
18 action and inactions.

19 I want to thank you for -- the Committee for this
20 opportunity.. Thank you.

21 CHAIRMAN PERATA: Thank you.

22 Anything further in opposition?

23 Why don't you, if you'd like to respond to that
24 right now?

25 MS. MEHL: Yes, I would.

26 There are a couple of points I would like to
27 make.

28 One, the employee who reported that the

1 investigation had been stopped, or that he was ordered to, did
2 not happen under my watch. That has never been a direction of
3 mine.

4 In fact, we have an open, active investigation
5 currently that my BAR employees are participating in.

6 Secondly, the -- the issue of the information
7 that was provided to us on June 15th, and as you heard was
8 actually evidently made May 15th, we took that information as
9 soon as I received it Friday afternoon, made copies of that
10 information, provided it to the Attorneys General's Office, and
11 also provided that information to the DCA attorneys. That has
12 become part of the investigation and is being investigated.

13 CHAIRMAN PERATA: Okay.

14 Let me switch the subject with you.

15 What's the practice of the Department when it
16 comes to income assistance to low-income families on the smog
17 checks?

18 MS. MEHL: Yes. If someone fails smog, they
19 qualify for -- if they are low-income or if they have been a
20 directed vehicle -- they qualify for our Repair Assistance
21 Program, where they're able to get up to \$500 to repair their
22 car.

23 It's a program that we're very proud of, but we
24 feel is being under-utilized. And so, we have started a public
25 education campaign to get the message out there, as well as we
26 have opened up a public counter where people can go to the
27 Sacramento BAR field office and get their application approved
28 same day. Once we complete that pilot project in Sacramento, we

1 will be opening it up to other field offices in Southern
2 California.

3 We feel that this is a great advantage to those
4 who really need their car for work, that are not able afford the
5 necessary repairs in order to pass smog. And we feel that this
6 is an excellent program.

7 CHAIRMAN PERATA: This is only being test piloted
8 in Sacramento?

9 MS. MEHL: Yes. The ability to come in on the
10 spot is being -- we've opened up the -- the office here in
11 Sacramento for that. And so far, it's working very well. We
12 have about two to three a day that are coming in.

13 We're trying to get some workload statistics so
14 that I know I can open this up to my other field offices without
15 a serious impact on their workload.

16 CHAIRMAN PERATA: What eligibility criteria do
17 you have?

18 MS. MEHL: It's 225 percent of the CPI, so that a
19 family of four that makes approximately \$46,000 a year would be
20 able to apply.

21 CHAIRMAN PERATA: And they show you what?

22 MS. MEHL: If they're on any kind of assistance
23 program, that automatically qualifies them usually, and then
24 they provide us with information about their income.

25 CHAIRMAN PERATA: Any other questions?

26 Mr. Norwood, you were dozing?

27 MR. NORWOOD: Mr. Chairman and Members, John
28 Norwood on behalf of Progressive Insurance Company.

1 We do not have a position on the nominee, but as
2 you've heard --

3 CHAIRMAN PERATA: I never thought to call up
4 people up who are neutral.

5 [Laughter.]

6 MR. NORWOOD: I would just like a moment to
7 respond to some of the charges with regard to our client that
8 have been made in testimony today, as well as materials you've
9 received, and in the press.

10 It's been indicated that our client, Progressive,
11 in running their Concierge Program is -- has either received
12 some type of special treatment or are otherwise operating
13 illegally in California.

14 I think we've provided each Member with materials
15 that explain the process that our company went through over a
16 five-month period, wherein BAR investigated the allegation.

17 They did issue a Cease and Desist based on the
18 information and interpretation of the laws that they had.

19 Again, we had several meetings with BAR. They've
20 toured our facility more than once. I think that they
21 understand what an insurance company's required to do under the
22 -- both statutes, contract, and regulations of the Department of
23 Insurance.

24 What we are doing with Concierge is a consumer
25 convenience. It is not diagnosing or repairing cars for
26 compensation. That is the standard for an automobile repair
27 dealer. Insurance companies do not hang out a shingle to repair
28 or diagnose cars for compensation. We do handle claims.

1 So, without extending this, we just want to
2 indicate that we understand we're subject to a continuing
3 review. We welcome that. And I'd like to summarize with that.

4 Thank you very much.

5 CHAIRMAN PERATA: I have a question for you.

6 MR. NORWOOD: Sure.

7 CHAIRMAN PERATA: Do you have the little duck or
8 the gerbil?

9 [Laughter.]

10 CHAIRMAN PERATA: Thank you, Mr. Norwood.

11 MR. NORWOOD: Thank you.

12 CHAIRMAN PERATA: So, if no further questions do
13 we have a motion to approve?

14 SENATOR PADILLA: Move approval.

15 CHAIRMAN PERATA: Call the roll, please.

16 SECRETARY WEBB: Cedillo.

17 SENATOR CEDILLO: Aye.

18 SECRETARY WEBB: Cedillo Aye. Padilla.

19 SENATOR PADILLA: Aye.

20 SECRETARY WEBB: Padilla Aye. Ashburn.

21 SENATOR ASHBURN: Aye.

22 SECRETARY WEBB: Ashburn Aye. Perata.

23 CHAIRMAN PERATA: Aye.

24 SECRETARY WEBB: Perata Aye. Four to zero.

25 CHAIRMAN PERATA: It's four-zero,
26 congratulations.

27 We will leave that item open. I didn't realize
28 Senator Dutton wasn't here.

1 [Thereafter, SENATOR DUTTON

2 voted Aye, making the final

3 vote 5-0 for confirmation.]

4 CHAIRMAN PERATA: Our last appointee is Sandra
5 Perez, welcome.

6 MS. PEREZ: Thank you.

7 CHAIRMAN PERATA: Do you have family?

8 MS. PEREZ: I have family, lots of family. I
9 have 150 first cousins, and 31 aunts and uncles. Lots of
10 family. They're not all here today, for your benefit.

11 My Mom and Dad, and some siblings, and friends,
12 and family are here.

13 I'll start with my Mom and Dad. My Dad, Fernando
14 Perez. My Mom is sitting next to him, Theresa Perez.

15 My husband here in the front is Felipe
16 Hermosillo. My children, Felipe here on the side, and Xochitl.
17 And I have my niece who's there on the end, Anna Lisa Haidinger,
18 and there's Daniel Haidinger.

19 Any my very good friend, Connie DeMant, and Liz,
20 and friend Sue Lipper. And my sister is back there hiding, who
21 looks just like me. That's my sister Patricia Haidinger.

22 SENATOR ASHBURN: Cousin Isenberg.

23 MS. PEREZ: And friends, and Isenberg, and
24 Lipper, who've been wonderful people.

25 And a lot of people are here in spirit. I know
26 that, and I appreciate that very much.

27 CHAIRMAN PERATA: You may go ahead and open, if
28 you'd like.

1 MS. PEREZ: Okay. Thank you for the water.

2 Mr. President Pro Tem and Members, thank you for
3 this opportunity.

4 I am Sandra Perez, Director of the Office of the
5 Patient Advocate. And I'm a native Sacramentan. Like I
6 mentioned, I have a large family, and so in my career and in my
7 personal life I have advocated on behalf of many people.

8 I had the opportunity working for the Legislature
9 to represent many constituents in the area of Sacramento, and I
10 was invited to be a part of many, many advisory boards dealing
11 with health care issues and patient safety. Most recently, I
12 advocated on behalf of the Executive Fellows and went back to
13 school to obtain two master's degrees that will both contribute
14 to my success as Director of the Office of the Patient Advocate.

15 In my opening remarks of two or three minutes, I
16 just want to touch upon the creation and direction of the Office
17 of the Patient Advocate, some of the accomplishments, and again,
18 some of our goals.

19 Basically seven years ago, the Legislature
20 created the Office of the Patient Advocate to represent the
21 interests of HMO enrollees. The language in the statute defines
22 advocacy in a way that changes -- that charges OPA to do
23 basically five things.

24 First, to inform and educate HMO enrollees
25 regarding their rights and responsibilities.

26 Two, to increase public awareness on ways to
27 ensure that they receive their benefits.

28 Three, to collaborate with government and

1 nongovernmental agencies to ensure that HMO enrollee needs are
2 met.

3 Fourth, to make referrals and collaborate with
4 the Department of Managed Health Care regarding patient concerns
5 and needs.

6 And finally, and what is OPA's flag ship? It's
7 to publish an annual report card on the quality of care provided
8 by HMOs in California.

9 For the past seven years, OPA has been about
10 educating and informing the consumer. Everything, including the
11 size of the staff, which is about nine -- which is nine right
12 now -- has been developed to increase public awareness and
13 education, and to act in a sense as the Office of Patient
14 Awareness. OPA has basically functioned as a conduit between
15 patients in California, throughout the state, and with the
16 Department of Managed Health Care.

17 And just to clarify, as I have done in my written
18 responses to your questions, OPA is not set up to provide direct
19 services to the patients. It's always the first question that's
20 asked.

21 The agency that is designated to address
22 patients' immediate concerns is the Department of Managed Health
23 Care, which we call DMHC. So, if I move to that acronym, that's
24 what I'm talking about.

25 The DMHC administers a 24-hour-a-day help
26 hotline, 7 days a week. It's staffed by nurses and attorneys
27 who can best serve the needs of the patients in crises.

28 OPA's work complements that of the Department of

1 Managed Health Care by supporting and promoting its Help Center
2 throughout the state. You could say we work hand-in-glove with
3 the department to protect the rights and the needs of enrollees.

4 So, some of our accomplishments have been
5 basically under the guise of three things: education, informing
6 consumers; secondly, publicly reporting on health -- the health
7 care plan performance; and third, collaborating with the
8 department and other agencies, government and nongovernment, to
9 represent patients.

10 To be more specific, in educating and informing
11 consumers, the department has developed some very colorful,
12 consumer-friendly materials that I think you all have in your
13 packet. And it's been a lot of work. They've invested a lot of
14 time with UC Berkeley and the Research Center there for Action
15 that has made all of our materials literately -- appropriately
16 literate at about sixth grade level; lots of colors and large
17 print.

18 Our guide is very comprehensive. And I'll just
19 mention that recently this week, the authors of this guide
20 actually received an award from a national marketing firm. So,
21 it's very useful.

22 A second thing that OPA has done is created a
23 program involving about 28 CBOs throughout the state. It's
24 called HEROICS. And it stands for something that I can't think
25 of right now, sorry.

26 [Laughter.]

27 MS. PEREZ: I'm talking in acronyms. Sorry about
28 that.

1 But basically, this network of CBOs has helped us
2 to distribute about 100,000 guides every year, and we have
3 face-to-face contact with about 85,000 constituents throughout
4 California.

5 The second broad thing that OPA has done is
6 publicly report on health care performance. We produce yearly
7 this report card. And what always catches everybody's eyes are
8 the stars. There's been a lot of work put into the report card
9 to make it useful for consumers.

10 This reports on the nine largest HMOs in
11 California, covering about 95 percent of our enrollees. It also
12 reports on 189 medical groups, and this is really the
13 distinction of our California Report Card, because other states
14 do not have that ability to report on medical groups.

15 I would just say that last year, during the
16 launch in September, OPA's report card was covered by nearly
17 every major newspaper in the state. Over 100,000 of these
18 report cards are available to the public, at over -- about 1,000
19 local distribution points, including Walgreens, the Leaders
20 Pharmacy, and local public libraries.

21 So, again, the distinction of this report card,
22 it's our flag ship. It is distinct throughout the country.
23 There's not many states that have this report card. It's
24 consumer-friendly, and it's the only state-sponsored report card
25 available.

26 Finally, OPA is collaborating with the Department
27 of Managed Health Care very much to address those issues that we
28 identify throughout the states that are concerns with patients.

1 And our direction, I would say in this
2 environment of health care reform we're moving forward on the
3 concepts that are agreed upon about -- from all the parties.
4 And I would -- those three concepts that I've identified are:
5 transparency; the wellness and prevention movement; and the
6 affordability, cost and containment concerns.

7 I will end with that, and I'm happy to answer any
8 questions and give any details on those things, if you'd like.

9 CHAIRMAN PERATA: How do you comprise this? What
10 kind of a rating system do you use?

11 MS. PEREZ: Well, we obtain the data from the
12 National NCQA, which stands for the National Center for Quality
13 Assurance in D.C., which is the accrediting agency for HMOs.
14 This information is provided to the HEETAS and CAPS surveys that
15 are nationally accepted. However, it is voluntary by the health
16 care plan.

17 So, we take this data, and we vet it through
18 organizations here in California that -- for instance, the
19 CCHRI, California Coalition of Health Research Institutes, I
20 think. That's -- I can't think of the right word for the "I".

21 Anyhow, CCHRI is a group of stakeholders that sit
22 together and look at the data for HMOs. And then it goes
23 through methodology that has been agreed upon with the all
24 stakeholders. And then OPA, the State of California, decides on
25 which information, which data, to publicly report.

26 CHAIRMAN PERATA: You talked about the difference
27 between the Department of Managed Care and the Patient
28 Advocate's Office.

1 There seems to be a little redundancy here. Do
2 you feel that? You have a very limited scope.

3 I'm not asking you to put yourself out of work,
4 but the word "advocate," is what I'm stuck on. If you don't
5 provide advice, or -- you make referrals; right?

6 MS. PEREZ: Well, if there's a crisis or an
7 immediate concern from a patient, yes, we make an immediate
8 referral to the Help Center. So, it's just seamless. It goes
9 right to the Help Center where there's people that can answer
10 their questions.

11 CHAIRMAN PERATA: The Help Center at the
12 Department of --

13 MS. PEREZ: Department of Managed Health Care.

14 CHAIRMAN PERATA: So, do you do any advocacy?
15 That's what I'm getting at.

16 MS. PEREZ: In a broad sense, yes. I mean, what
17 we do is provide information so that consumers can make better
18 informed decisions, and so that purchasers can make their right
19 decisions when they want to purchase a health care plan.

20 And then what we hope is that, you know, in the
21 end, with good information, we can improve, you know, lower cost
22 increases and to save lives.

23 CHAIRMAN PERATA: Whose bill was this?

24 MS. PEREZ: Marty Gallegos.

25 SENATOR CEDILLO: This is a vision toward the
26 future, I think.

27 I have the same questions comparable to the Pro
28 Tem. It's a question of whether or not you think you have

1 sufficient resources to advocate for the patients directly?

2 How do you see that as it relates to the Help
3 Center? Shouldn't you organizationally or structurally move to
4 be more to the Help Center? Shouldn't it be a different
5 relationship?

6 MS. PEREZ: Well, it's actually worked out.

7 I questioned the same thing when I started. I
8 thought, how can this be where statutorily we're with them,
9 we're without.

10 But frankly, I think as the Patient Advocate,
11 statewide Patient Advocate, it's actually served our purposes
12 well because we're close enough to work closely with the
13 Director of the Department of Managed Health Care to influence
14 the direction of the department, yet we're far enough that we
15 can actually represent the patients in an objective way.

16 On resources, we do pretty well. We do very well
17 with the resources that we have.

18 And utilizing this network of community-based
19 organizations has helped us get the word out. There's probably
20 more we can do. There's more we will do with the resources that
21 we're provided.

22 SENATOR CEDILLO: I don't want to go too far into
23 this, but structurally are we where we should be?

24 It's just the title, I think, Mr. President, that
25 gives us a vision that, for example, my mother's going to get
26 moved out of a hospital. Her insurance company hasn't called.

27 I envision the State Advocate to mean, I guess,
28 to do more intervening and help troubleshoot to get some

1 resolution.

2 MS. PEREZ: If I understand your question, it's
3 access to this information, where you can get help immediately,
4 in the hospital, in the doctor's office --

5 SENATOR CEDILLO: From the patient's perspective,
6 not the policy advocacy but the actual troubleshooting advocacy.
7 I think that's what the title conjures up.

8 You know, I'm concerned that there's 6-7,000
9 calls a day coming in, yet you're getting 30 calls a month, 350
10 calls a year.

11 MS. PEREZ: Right. Well, a couple of things.

12 It's our job at OPA is to promote the Help
13 Center. So, I think we're doing a pretty good job if we're
14 getting everybody to call the Help Center and not us because of
15 the -- you know, the nature of the name, where you would think
16 people would call us.

17 I think on another point that you made is, your
18 mom being in a hospital, and where would you call? OPA has in
19 the past tried very hard to get posters up in the hospitals and
20 in doctors' offices. I don't think that's a question of
21 resources; it's a question of stakeholder will.

22 But -- and what I've done is looked into the
23 history of that effort, and I'm trying to learn. And I'm going
24 to take on that effort again to make these posters and this
25 phone number more available to patients in the right settings,
26 doctors' offices, the hospitals and such.

27 SENATOR CEDILLO: What can we do to help you make
28 patients aware that the state is interested in having an

1 advocate speak, but you don't have to call their son, the
2 Senator, to make sure they get a modicum of care?

3 MS. PEREZ: One of the things you could do is
4 distribute the information through your district offices. And
5 your response to your constituents when you have care issues,
6 you know, more than likely they're HMO enrollees.

7 The second thing is, distribute that information
8 by your web sites, which we will be asking all of the
9 Legislators to put on. It's a -- the logo for the Help Center
10 is a cross, so it's attractive, and we can put it on your web
11 site there to the left. And it says something like, "HMO Help,"
12 and it's very obvious. And so, that would be one way of getting
13 the information out to your constituents.

14 SENATOR CEDILLO: What's your budget in the
15 printed resources?

16 MS. PEREZ: Printed resources, 2 million.

17 SENATOR CEDILLO: How about working with CBOs in
18 the areas of diabetes? How much do you distribute?

19 MS. PEREZ: We don't have a specific budget for
20 that. That's \$2 million for outreach in general.

21 SENATOR CEDILLO: How much do you do with respect
22 to diabetes?

23 MS. PEREZ: How much do we do with respect to
24 diabetes?

25 In our report card, and this is an extended
26 version of a report card. It's not meant to be a
27 consumer-friendly publication.

28 However, you'll see if you look in here that

1 there are charts and graphs. And there is six different
2 measures, I believe, maybe six or seven, on diabetes. And this
3 is measuring how well your health care plan is preventing, doing
4 the screening that HMO enrollees are entitled to, and how well
5 they're keeping their blood sugar, you know, in the correct
6 range.

7 And so, we get this data not only from the
8 health plans, but from the CHIS, which is the California Health
9 Insurance Survey, which is a broad-based -- UCLA -- broad-based
10 consumer survey asking folks in six different languages about
11 their health care background. And so, what that, what CHIS,
12 Rick Brown, is able to do is to identify HMO enrollees, then
13 bring it down to those with diabetes, and how well their
14 diabetes is being managed. And so, some of that data's in here,
15 and OPA keeps track of that.

16 So, I can leave it at that. I mean, the
17 interesting thing for me is, what we're trying to do is to
18 motivate people to use quality data in their decisions. And the
19 definition of quality, we can go on forever, but it depends on
20 your needs; right? If you have diabetes, you want to go
21 immediately to the topic of diabetes and be able to choose a
22 health plan that's going to serve your needs; correct?

23 So, if you did that, you could go directly to
24 those six, seven measures about diabetes and be able to make an
25 informed choice for your health care plan.

26 And/or advocate for yourself, which is actually
27 the mission of OPA. We would like to see -- our vision is to
28 develop patients and consumers to be their own best advocates,

1 and not to have to depend on a state agency. But if we can give
2 them the information and the education that they need, then they
3 can ask their doctors for their -- for their prevention
4 screening that they are entitled to.

5 CHAIRMAN PERATA: Senator Dutton.

6 SENATOR DUTTON: First of all, I think you put
7 out some very good material. And as an educational agency, I
8 think you're doing a really good job. And we'd actually talked
9 about maybe doing some things down in the district to help do
10 some outreach and things like that.

11 I do have some concerns, though. I guess
12 "Advocate" really is kind of misleading a little bit, because
13 really, if you get a complaint from a consumer, you really don't
14 deal with those. You refer those to another department or
15 another agency.

16 MS. PEREZ: We deal with them to the extent that
17 we can. And we certainly note them, because we are looking for
18 trends on issues.

19 For example, when we had calls about language
20 access, it began to accumulate, and then OPA did something about
21 that.

22 But getting to your first point, the word
23 "Advocacy," that's why I mentioned in my introductory remarks,
24 many staff members have suggested that we be called the Office
25 of Patient Awareness.

26 SENATOR DUTTON: And that was my whole point. I
27 would suggest that we may actually want to consider something to
28 better clarify the role.

1 Thank you. I think you're very well qualified.
2 I'll be more than happy to support this nominee.

3 MS. PEREZ: Thank you, Senator.

4 CHAIRMAN PERATA: Senator Ashburn?

5 SENATOR ASHBURN: Yes, I just want to be a little
6 more specific in terms of what your department actually does.

7 The LAO prepared a report for us on June 6th that
8 reports your budget is 2.4 million, and that you have 14
9 positions.

10 So, what do those 14 people do?

11 MS. PEREZ: Well, 14 positions is -- we have 9
12 people staffed right now.

13 SENATOR ASHBURN: So, you have 14 authorized, 9
14 staff?

15 MS. PEREZ: Right.

16 And the first part, was it 2.4 million? We have
17 2 million from the Department of Managed Health Care for just
18 outreach on the Help Center and other things. So, for outreach
19 we have 2 million that's transferred from the Department of
20 Managed Health Care.

21 And your question, what did these nine people
22 do?

23 SENATOR ASHBURN: I want to know what your
24 employees do?

25 In your description, it sounded to me like you
26 gather a lot of data prepared by other people, and then massage
27 it into reports. So, is that what nine people do?

28 MS. PEREZ: Half of our budget is directed at

1 outreach. And so, that's where the majority of the staff works,
2 on outreach --

3 SENATOR ASHBURN: What does that mean? I know
4 what outreach is, how do you do that?

5 MS. PEREZ: Well, okay, essentially uses -- well
6 first, we go out -- our staff goes out and mans the exhibits
7 that we go to, all the events. We go to about a thousand events
8 a year.

9 Then we work with our CBOs throughout the state
10 to ensure that they are complying with all of our requirements.
11 And we also provide training for those CBOs to be able to
12 communicate the appropriate information to what is essentially
13 the train the trainer program to get the word out.

14 SENATOR ASHBURN: So the events you're talking
15 about are health fairs, that sort of thing?

16 MS. PEREZ: All sorts. It's not just
17 particularly health. It can be employment; it can be a wide
18 range of community events.

19 CHAIRMAN PERATA: Anybody in support of the
20 nominee?

21 MS. HELMS: Good afternoon. I'm Liz Helms, and
22 I'm the President and CEO of the TMJ and Orofacial Pain Society
23 of America, formerly the TMJ Society of California.

24 We were very active in the formation, and I'm a
25 very strong supporter of the formation of the Office of the
26 Patient Advocates. We've been around for sometime, working on
27 health policies on behalf of consumers in the State of
28 California.

1 I have seen the work that Ms. Perez has done,
2 her positive attitude, her qualifications.

3 And the awareness that patients need to have to
4 make good, informed choices about their health care is paramount
5 to help people control costs, get better access to care, and
6 utilize the service of the state that they have to offer.

7 So, we're strongly in support of the confirmation
8 of Ms. Perez today.

9 CHAIRMAN PERATA: Thank you.

10 Mr. Isenberg.

11 ASSEMBLYMAN ISENBERG: Mr. President, Members,
12 thanks. Phil Isenberg. I'm appearing personally.

13 Sandra Perez worked for me many years ago. We
14 have been friends for 23 years.

15 Right temperament, right attitude, and somebody
16 who is just a sweetheart of a person to deal with and handle
17 problems.

18 On a personal note, and I alluded to it in my
19 letter, I think the questions you're asking about the need to
20 evaluate dispute resolution process, and all of that as
21 authorized by the legislation, are long overdue.

22 I went back and said to myself I was going to
23 read the statute again before I came in, only to be reminded
24 that it was a 327-page bill, of which one page created and
25 delineated the duties of this office.

26 I don't want to say that it was an oversight at
27 that time, but frankly, there were bigger fish being fried on
28 the creation of the Department of Managed Health Care, and all

1 of the issues that applied.

2 So, I think you're laying the groundwork for an
3 evaluation. Where it leads, that's your decision.

4 This is a terrific lady. Thank you.

5 CHAIRMAN PERATA: Thank you.

6 MS. ALONZO-DIAZ: Chair and Members, Lupe
7 Alonzo-Diaz. I'm the Executive Director of the Latino Coalition
8 for a Healthy California. We represent over 2,000 CBOs from
9 throughout the state.

10 So, I wanted to not only say that the Latino
11 Coalition strongly supported the original intent of the
12 legislation which created the Office of OPA, but I also have two
13 examples of how some of the products and some of the work that
14 the Office of Patient Advocate has done has helped our work in
15 terms of public policy and advocating for low-income consumers.

16 It was in part as a result of the report card
17 that the Office produces that it became very clear to us that a
18 lot of health plans did not have consistent language access
19 plans. And for most health plans, they are federally required
20 to have some sort of language access plans for those consumers
21 that either receive Medi-Cal or Healthy Families.

22 So, as a result of that report card, it became
23 clear that a lot of health plans were not providing language
24 access services, there was a bill, SB 853, which was authored by
25 former Senator Escutia about two years ago, and it was signed by
26 the Governor. And now SB 853 requires health plans to have a
27 language access plan.

28 Currently, also as a result of that report card,

1 the Latino Coalition is working with the Department of Health
2 Services to try figure out a way to -- for fee-for-service as
3 well as managed care health plans to receive federal matching
4 funds, anywhere between 50-60 percent of the reimbursement rate
5 for those managed care plans, as well as the fee-for-service
6 providers that provide language access services.

7 So again, I just want to reiterate that as a
8 direct result of some of the good work that OP has done, it's
9 allowed us, as consumer advocates, to represent the needs of our
10 constituents, but I believe that it's also helping the
11 Department of Health Services as they attempt to access a 50
12 percent federal matching rate funds for providers, and Medi-Cal
13 fee-for-service, and in managed care.

14 Thank you.

15 CHAIRMAN PERATA: Thank you.

16 Anything further? Anyone in opposition?

17 Mr. Lipper is here, too, but he's a little shy.

18 Just one question. I want to clarify something,
19 and maybe it's something that we've all been beating on.

20 There was a series of stories a while back about
21 insurance companies that were going through their files, finding
22 high cost patients, and then dumping them.

23 From what you've said, that's really not your
24 responsibility. That would be Managed Care?

25 MS. PEREZ: Your assumption is correct.

26 CHAIRMAN PERATA: Do we have a motion?

27 SENATOR DUTTON: I'll move.

28 CHAIRMAN PERATA: We have a motion to approve.

1 Please call the roll.

2 SECRETARY WEBB: Cedillo.

3 SENATOR CEDILLO: Aye.

4 SECRETARY WEBB: Cedillo Aye. Dutton.

5 SENATOR DUTTON: Aye.

6 SECRETARY WEBB: Dutton Aye. Ashburn. Perata.

7 CHAIRMAN PERATA: Aye.

8 SECRETARY WEBB: Perata Aye. Three to zero.

9 CHAIRMAN PERATA: Three-zero, and we'll keep the
10 roll open for Mr. Padillo.

11 Congratulations. You are confirmed, or on your
12 way.

13 MS. PEREZ: I'm on my way. Thank you very much.

14 [Thereupon this portion of the
15 Senate Rules Committee hearing
16 was terminated at approximately
17 2:42 P.M.]

18 --ooOoo--

CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of June, 2007.

Evelyn J. Mizak
EVELYN J. MIZAK
Shorthand Reporter

APPENDIX

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May 21, 2007

MAY 21 2007

Appointments

Response to Senate Rules Committee Questions

1. *Please provide us with brief statement of goals. What do you hope to accomplish during your tenure as Chief of the Bureau of Automotive Repair? How will you measure your success?*

Since my appointment to this position in October, I have worked to review and identify issues in need of immediate attention. As a result of this review, I assembled a team of talented individuals to ensure the successful implementation and continued development of the Next Generation Electronic Transmission system. I have worked to ensure proper and expeditious implementation of AB 1870 (Lieber), which mandates the incorporation of a visible smoke test to a Smog Check inspection. I am also working closely with the Air Resources Board to identify options for implementing improvements to the Smog Check Program that would help reduce motor vehicle emissions.

I have worked diligently with my managers to help me achieve my goal to redefine and reaffirm the mission of the Bureau. Some of these goals include:

- Enhancing consumer protection.
- Identifying improvements to the Smog Check Program that maximize motor vehicle emissions reduction, have a high degree of consumer compliance, and have industry acceptance.
- Developing BAR's human resources. This implies attracting the best and brightest individuals, continuously providing them state of the art training to deliver services in an efficient and effective manner, and planning for the succession of a new generation of managers.
- Educating and informing consumers about the automotive repair marketplace and the services available from BAR to help them make informed decisions.
- Partnering with state and local government agencies to implement policies that better protect and serve consumers and improve air quality.

There are a variety of ways of measuring my success in achieving these various goals. For example, I would rely on independent evaluations prepared by the Air Resources Board and the Inspection and Maintenance Review Committee to monitor whether BAR is achieving its emissions reduction goals. In addition, I would rely on

independent surveys, Web site hits, calls received by the Department of Consumer Affairs' Consumer Information Center, and participation in various BAR programs to evaluate whether BAR's consumer outreach and education efforts are reaching the targeted groups. Finally, to assess the effectiveness of BAR's enforcement program, I would direct staff to conduct market condition assessments, evaluate consumer complaint patterns, and monitor the number of cases referred to local district attorneys and the Attorney General.

2. *Several states, such as Michigan and Hawaii, require repair facilities to have qualified automotive repair technicians. This qualification may be proven in several ways, among them certification by a private organization such as Automotive Service Excellence. Does the Bureau anticipate issuing regulations requiring standards for all technicians in California?*

I am always interested in identifying opportunities for improving consumer protection and ensuring an efficient and effective enforcement program by the Bureau. Specifically, California is home to thousands of technicians in dozens of automotive repair fields, including air conditioning, muffler, transmission, and auto body. This effort would require BAR to significantly expand the resources dedicated to testing and licensing individuals.

There are also issues surrounding the efficient and effective enforcement necessary to regulate thousands of individuals practicing their professions in dozens of subspecialties. In my opinion, there are two main tenants for effective enforcement: clear and concise laws and regulations and the staffing necessary to act against those who violate those laws. In terms of staffing, BAR would need to recruit potentially hundreds of new staff to effectively regulate dozens of new license categories. In terms of clear and concise laws and regulations, this would be challenging given the scope and reach necessary to effectively regulate dozens of subspecialties.

Given these issues, there are also practical considerations to the automotive repair profession. For example, it would be difficult for a "one person" shop to maintain all areas of expertise in order to stay open. Further, a shop that had a brake technician yesterday but not today could be subject to discipline. To monitor these types of changes would require a large investment in human resources. It would also place an undue burden on technicians. For example, a technician certified in air conditioning repair for early model GM vehicles would also need to have knowledge of late model Nissan systems, even though the shop does not service Nissans. These are just some of the issues that face BAR when we implement regulations regarding technician competency and licensing. I will continue to have open discussions on this and other issues regarding licensure.

An Enforcement Monitor was appointed to evaluate the bureau over a two-year period. His final report was released in December 2006. The Monitor suggested the Bureau establish a system of required testing and licensing for service writers-individuals who write up service estimates-to ensure basic knowledge of the Automotive Repair Act, in addition to the existing informational guides explaining the requirements of the Automotive Repair Act.

3. *Do you agree with this recommendation? What, if anything, is the Bureau doing to implement this recommendation? If it has decided not to follow the recommendation, what is its rationale?*

I believe the most effective way of ensuring basic knowledge of the Automotive Repair Act is to have a proactive system in place that continuously educates and informs service writers about the requirements of the law. Only after these efforts are exhausted and market condition assessments show no appreciable improvement in the marketplace should BAR turn to a system of testing and licensing individuals.

With that said, I am considering implementing a pro-active educational outreach program to teach the requirements of the Automotive Repair Act to individuals before they enter the profession. As I envision this process, a new automotive repair dealer would not simply be licensed through the mail upon completing an application, as is currently done. Instead, a BAR representative from a nearby field office would be responsible for contacting the new owner/manager and making an appointment to deliver the registration. At the meeting the representative would review the laws and regulations with the owner and any staff they wish to have present. Upon the conclusion of the meeting the representative would leave the new registrant with copies of all pertinent publications and a business card so the new registrant will have a contact at the Bureau for any possible future issues.

The Enforcement Monitor's report also indicated that lack of compliance with the Automotive Repair Act is due not only to the lack of awareness, but also because the regulations are often unclear and confusing.

4. *Is the Bureau planning to address the Enforcement Monitor's concern that regulations are unclear and confusing? Please explain.*

I concur that some of BAR's regulations could be better defined. To address this issue, I have dedicated a new staff person to review BAR regulations, make recommendations for proposed changes, and prepare regulation packages to address the concerns identified by the Enforcement Monitor and industry. Since BAR's regulations are extensive and complex, this is a lengthy process. To help ensure the success of any proposed regulatory changes, I intend to hold

workshops throughout the state to obtain maximum input. I have already begun this process by setting up a series of workshops on disciplinary guidelines, citation and fine authority. I have also worked to begin this process in implementing new initiatives, including the implementation of a low pressure fuel evaporative testing and implementing the provisions of Assembly Bill 1870, which mandates the implementation of a smoke test on specified vehicles.

The Bureau of Automotive Repair has adopted some trade standards by regulation in certain areas of automotive repair, but not others. In cases such as brake repair, experts differ on proper procedures. The Enforcement Monitor recommended that the Bureau convene a committee of regulators, consumer advocates and industry to explore the feasibility of additional regulations for trade standards.

5. *What are the Bureau's criteria for choosing which areas of automotive repair it will regulate?*

I concur with the need to continuously monitor and evaluate the professions regulated by the Bureau to help better define standards. Any effort to regulate trade standards must take into consideration the complexity caused by factory recommended repair procedures that differ greatly between dozens of vehicle manufacturers and hundreds of models. As a result of this diversity of makes and models available in the automotive marketplace, uniform government regulation would be difficult.

However, any effort to improve standards must include input from the industry to help define those standards. In the July 2007 BAR Advisory Group meeting, I will be working with advisory members to identify interested individuals who would like to serve on a subcommittee to explore the feasibility of additional regulations for trade standards.

6. *Is there a need to standardize additional repair procedures? Has the Bureau convened a committee as suggested by the Enforcement Monitor? If not, does the Bureau have plans to do so*

As previously noted, there may be opportunities for standardizing additional repair procedures. I have included this issue as an agenda item in the July BAR Advisory Group meeting. I plan to continue to work cooperatively with interested parties to explore opportunities and evaluate the necessity.

Testing in Prisons

The California Department of Corrections and Rehabilitation offers automotive repair and auto body repair vocational programs to prison inmates. The Department is standardizing curriculum statewide and aligning it with automotive service technician training and testing. The Bureau of Automotive Repair does not currently offer testing for Smog Check or Automotive Service Technician certifications in prisons.

7. *Do you have plans to offer testing in prisons once the curriculum is standardized? If not, why not?*

Currently, I am unaware of an active vocational program at the California Department of Corrections and Rehabilitation (CDCR) for Smog Check technicians. I have also directed my staff to work with officials from CDCR to identify these opportunities. If such opportunities come about, I would work to meet this need.

Smog Check

The Bureau implements California's Smog Check program, which includes the licensing of Smog Technicians and centers. The main cause of administrative disciplinary actions filings is an illegal practice called "clean piping." This occurs when a vehicle that will pass the smog test is substituted for the vehicle that is supposed to take the test, guaranteeing a pass.

8. *What does the Bureau do to monitor and enforce laws against the practice of "clean piping?" Which are the most successful methods of deterrence?*

BAR has two primary methods for monitoring the practice of clean piping. First, BAR continuously monitors and analyzes test data results from over 8,000 Smog Check stations statewide. Second, BAR relies on over 12,000 semiannual quality assurance inspections of Smog Check stations. To a lesser extent, BAR relies on consumer complaints or tips.

Based on a thorough analysis of the data, BAR field staff plan and conduct undercover operations to obtain the necessary evidence to prosecute the station owner and technician involved in the act. Undercover operations can include documented vehicle runs, certificate buys, and video surveillance.

In Fiscal Year 2005-06, BAR conducted 980 formal clean piping investigations. Approximately 85 percent of all administrative actions filed against stations engaged in clean piping result in full station and technician revocation.

9. *Do you think there are areas of the Smog Check program that could be improved? If so, how do you plan to manage this?*

I feel there are several opportunities to improve the Smog Check Program. Specifically, I would work to

- **Improve Smog Check Repair Durability.** The repairs on many vehicles failing a biennial Smog Check inspection often do not last. To address this issue, I have directed BAR's enforcement division to partner with industry to work toward complete and proper diagnosis and repair of failing vehicles. To accomplish this task, BAR has begun an aggressive campaign to inform Smog Check stations and technicians of the necessity to follow proper repair strategies for effective and lasting repairs. In addition, BAR provides stations with advice and techniques to assist them in educating their customers to better understand the benefits of proper and complete repairs in addition to cleaning the air.
- **Replace BAR Smog Check Analyzers.** Currently, BAR requires Smog Check stations to utilize Smog Check analyzers that are over 10 years old. These analyzers conduct the test that measures the emissions of vehicles subject to a Smog Check inspection. Due to their age, these analyzers may not always produce accurate test results. To address this situation, I have directed my staff to develop specifications for a new generation of analyzers that will be less expensive for Smog Check stations to maintain and will allow more efficient implementation of future changes to the Smog Check Program.

The Bureau is required to implement regulations for a low-pressure evaporative fuel Test, as required by AB 1870 (Lieber, Chapter 761, Statutes of 2006). This test plays an important part in reducing smog-forming gases in the state, and some environmental groups have charged that there have been unnecessary delays in this process. The most recent newsletter from the Bureau indicated that the regulations will be submitted soon, with public hearings to be held in the first half of 2007.

10. *What is the status of these regulations? Do you anticipate the program will be in effect by the January 1, 2008 legislative deadline?*

BAR has prepared fuel evaporative regulations and filed the initial statement of reasons with the Office of Administrative Law (OAL). The hearings and comment period have been completed. The final package should be submitted to

OAL within the next few weeks. Implementation is scheduled for November 1, 2007.

BAR has prepared the regulations and procedures to implement the provisions of AB 1870, which mandates a visible smoke test on certain vehicles. The draft regulations are currently being reviewed by the Department of Consumer Affairs. I expect to file the initial statement of reasons with OAL within the next month. BAR is on schedule to implement the visible smoke test by the January 1, 2008 statutory deadline.

Consumer Assistance Programs

The Bureau operates two Consumer Assistance Programs: Vehicle Retirement and Repair Assistance. Qualified motorists can receive up to \$500. for emissions-related repairs or receive up to \$1,500 to retire a vehicle that fails a smog check.

11. *What is the consumer demand for these programs? How do you publicize them? Is there more that the Bureau could be doing to increase consumer awareness of the programs?*

In Fiscal Year 2005-06, BAR spent \$16,199,000 (99 percent) of its \$16,300,000 vehicle retirement budget and \$12,516,000 (79 percent) of its \$15,789,000 vehicle repair assistance budget. BAR used a variety of means to achieve this outcome. Specifically, BAR redirected resources to conduct consumer outreach and placed advertisements on the radio and in community newspapers. BAR has also conducted a series of symposiums with state-contracted Gold Shield Smog Check stations to identify ways to improve consumer convenience in the repair assistance process. Recently, I directed CAP to open its public counter, which will allow consumers to apply in person and receive on-the-spot approval of their applications. I have also worked with the Department of Motor Vehicles to have a scrolling message posted in both English and Spanish on the television monitors at the large offices informing consumers about the availability of CAP services.

For the upcoming fiscal year, BAR will undertake additional initiatives to increase consumer participation. For vehicle retirement, BAR will be offering qualified consumers \$1,500 to retire their vehicles. To stimulate demand for both repair assistance and vehicle retirement, BAR will be updating the CAP signage posted at Smog Check stations. In addition, BAR in conjunction with DCA, has awarded a major public awareness contract that is designed to promote CAP services. I also intend to implement performance measures for CAP to ensure consumer applications and station repair strategies are approved in a timely manner. Finally, I have directed staff to make significant changes to the Web site

to help make CAP more visible and to allow consumers to submit their applications online.

Consumer Protection

A significant consumer protection principle of the Automotive Repair Act is ensuring the autonomy of consumers when selecting an auto body repair shop. This insulates repair shops from pressure to use inferior materials or methods to reduce costs for insurance companies. Under state law, consumers may not designate their insurance companies to authorize repair work after an initial estimate has been prepared.

Last year an insurance company announced its "concierge" level of claims service in San Diego. This service center enables the insurance company to "oversee all elements of the vehicle repair on behalf of the driver." This company states on its Web site that the customer can leave a car at the service center and "we take care of the rest-from writing estimates to arranging repairs with a body shop in our network of repair facilities."

12. What role, if any, should the Bureau play in regulating "concierge" services? Do you think that these kinds of services conflict with state law?

BAR should monitor these types of services to ensure compliance with the Automotive Repair Act. If violations occur, BAR would take action against these unlicensed automotive repair dealers.

The current concierge program located in San Diego, as modified, does comply with California's Automotive Repair Act.

13. Does current law sufficiently protect consumers against the conflict of interest inherent in allowing an insurance company to arrange repairs? Is the bureau aware of any complaints about this program or the services provided?

Current law did not anticipate a concierge type of program. At this time, the law appears to sufficiently protect consumers as long as the concierge program follows the provisions of the Automotive Repair Act.

I am aware of one pending investigation regarding the concierge program.

Recently, the Senate Business, Professions and Economic Development Committee sent a letter requesting information about the Bureau's actions concerning the concierge service in San Diego. On August 1, 2006 the Bureau issued a cease and desist notice to the facility operating this service, stating it believed the facility was engaging in activities that require

an automotive repair dealer license. On December 6, 2006, the Bureau rescinded its cease and desist notice.

14. *Your response to the Senate Business, Professions and Economic Development Committee indicated that the Bureau's investigator's did not witness "any activities" when first inspecting the facility, although some automotive equipment, such as vehicle bays and stalls, was observed. What was the basis for the bureau's cease and desist notice and its subsequent decision to pull back?*

According to a BAR field inspector's report, it appeared that the concierge program was performing auto body repairs without an automotive repair dealer registration, which would be in violation of Business and Professions Code 9884.6(a). Specifically, it appeared that they were performing teardown estimates, subletting auto body repairs, and collecting money for uncovered charges. It appeared that the concierge service had almost total control over the auto body repair process. In a subsequent walk through of the concierge facility by BAR staff, concierge representatives indicated that they intended to conduct vehicle teardowns, including removing parts for inspection and appraisal.

The decision to withdraw the cease and desist order was based on two factors. First, BAR and DCA legal counsel met with representatives of the concierge service. These meeting resulted in modifications to the program that brought it into compliance with the current law. Second, the Assistant Chief of BAR and Department of Consumer Affairs' legal counsel conducted a subsequent inspection of the program. The report by the Assistant Chief concluded that the concierge program was neither performing teardowns nor diagnosing vehicles for compensation. Therefore, the concierge program is not subject to the Automotive Repair Act.

MAY 02 2007

Appointments

VISION

1. *What do you hope to accomplish during your tenure as the patient advocate? How will you accomplish these goals? How will you measure your success?*

During my tenure as the Patient Advocate, I will work in the best interest of managed care enrollees and consumers to (1) engage consumers, purchasers and plans with relevant, easy-to-use, information; (2) to increase accountability in public and private healthcare delivery systems; and to (3) maximize the potential of the California Office of the Patient Advocate (OPA) public reporting function. The statutes directing OPA require it to conduct: public reporting, consumer education and collaboration with government and non-governmental organizations. The following are my goals for addressing OPA's statutory requirements:

- **Expand the scope and access of relevant consumer information for a broader audience**

As the Patient Advocate, I will make consumer information more relevant and accessible to stakeholders and health care consumers. With healthcare costs rising, consumers are being asked more and more to make important decisions affecting their health and finances. Unfortunately, the reality is that consumers can find more information on purchasing a car than on evaluating their health care options. The OPA provides information on the rights and responsibilities of enrollees, but it can also be the place where consumers get help to make informed choices dealing with their health and health care plan.

To ensure that the content of the website and written materials are relevant, engaging and accessible to consumers and stakeholders, I plan to:

- Continue OPA's work with the UC, Berkeley School of Public Health's Health Research for Action (HRA) Program which has 20 years experience reaching diverse consumers.
 - Continue regular review of the types of complaints that come into the HMO Help Center.
 - Develop a strategic plan for year-round promotional activities; and
 - Create a web-based one-stop resource for information on government-sponsored as well as health care plan and medical groups performance data
- **Establish a framework and principles for health care accountability**

OPA currently creates a web-based quality of care report card that provides comparative data on the performance of the nine largest commercial HMOs in California. Building upon the work of OPA, as the first Patient Advocate in three years, I will develop a stronger role for OPA within the statewide health care quality improvement and measurement community

and collaboratively create a more effective public reporting mechanism for encouraging competition in a way that increases the quality and value of health care across all services.

By building on existing relationships and broadening support for the report card and OPA's accountability mechanism, OPA will be able to enhance its role as the government agency charged with publicly reporting data on HMOs and other providers. Strategic decisions will be made in the context of development report card measurements that most positively affect the health of Californians.

One example of this type of collaboration is the initiative OPA has taken to engage with the Integrated Health Association (IHA), a statewide leadership group that promotes quality and has representation from major health plans, physician groups, and hospital systems, plus academic, consumer, purchaser, pharmaceutical and technology. Together, IHA and OPA are developing scoring and reporting methodologies for medical group clinical measures, paving the way for these measures to be published in OPA's 2007 Report Card -- something that did not happen in 2006.

- **Promote policies to broaden the collection and reporting of data**

To better understand the experience of California's health care consumers and to identify gaps in care that are unique to Californians, as Patient Advocate, I will promote quality improvement via enhanced measurement and collection of data. While today's measure sets provide an adequate starting point, in collaboration with the National Committee on Quality Assurance (NCQA), the California Cooperative Healthcare Reporting Initiative (CCHRI), Pacific Business Group on Health (PBGH), Integrated Health Association (IHA) and other existing quality measurement efforts, I will strive to ensure the development of a comprehensive set of measures that can be used over time to address a broad range of quality challenges and comparisons to national benchmarks.

When enrollees and patients don't get the health care services they need, the toll is measured not only in rising health care costs and loss of productivity, but also by increased human suffering. I will measure the success of OPA's efforts to highlight the care enrollees should receive by monitoring meaningful clinical and patient satisfaction measures focusing on outcomes utilizing HEDIS, CAHPS, CHIS and other sources of data. When possible, we will focus on measures that correspond to public health goals, especially those in the *Healthy California 2010* report, and on measures that allow for comparisons to other states.

OUTREACH & EDUCATION

2. *How does the office conduct outreach and provide education to health plan enrollees?*

OPA conducts outreach and education to health plan enrollees mostly by developing effective materials and distribution networks.

- **User-friendly written materials**

To date 800,000 OPA *Guides* have been distributed. OPA has developed user-friendly materials in conjunction with the University of California, Berkeley School of Public Health's

Health Research for Action (HRA) Program. HRA has 20 years of experience developing easy-to-read and easy-to-use resources and promoting health literacy. OPA's written materials that currently support OPA's outreach and education efforts are:

- *California's HMO Guide*
- *California's HMO Guide for Seniors*
- *HMO Healthcare Quality Report Card*

The *Guides* help consumers understand their rights and responsibilities as a managed care enrollee and to inform them on ways to navigate a managed care system. The *California HMO Guide* provides consumers with a handy reference to answer the most common questions that come up for HMO enrollees and provides a listing of sources for more comprehensive, topic-specific information.

OPA distributes materials through outreach events throughout the state, by mail and in pharmacies and libraries. Materials are distributed by mail either upon request to OPA or to callers at the DMHC HMO Help Center. A formal evaluation of the *HMO Guide* demonstrated that getting a Guide into the hands of consumers even without a face-to-face contact, is enough to give them the tools they need to act as their own advocates with their HMOs.

- **Community Events and Face-to-Face Education**

OPA is represented at nearly 1,000 community events throughout California each year with the assistance of 12 local assistance/outreach centers/organizations that have contracted with OPA's HMO Enrollee Regional Outreach and Information Centers (HEROIC) Program. Specialized statewide organizations implement OPA's education to hard-to-reach populations such as seniors, the disabled, limited English speaking and the mentally ill. In addition to events, these organizations develop written materials, outreach and education programs appropriate for these populations.

- **Promotion of the OPA "Healthcare Quality Report Card"**

To-date, 700,000 Report Cards have been distributed either by mail or through local outreach events. The Report Card is also advertised currently by a once-a-year press conference in September.

The "Pharmacy Initiative" is OPA's effort to promote the HMO Report Card in pharmacies throughout the state. Currently, OPA has an agreement to distribute the OPA Report Card at over 350 Walgreen stores, 200 independent pharmacies in Southern California as well as 25 Leader Pharmacies in the Sacramento region. In conjunction with the development of these networks, OPA has produced 450,000 pharmacy bags designed with OPA information to promote the HMO Guide and the HMO Report Card. The pharmacy bags are used to carry prescription medications and are distributed to consumers when they pick up their medications.

3. *Using the Sacramento region as an example, how would a consumer know that your office is available to assist? How do you let the public know of your availability?*

Similar to other regions throughout the state, OPA educates the community at events and also contracts with a local health/consumer assistance organization, the Health Rights Hotline. The Hotline is an independent program funded primarily by private foundations to provide free information and assistance to health care consumers in El Dorado, Placer, Sacramento and Yolo counties. It employs experienced counselors who answer general questions about consumers' rights in health care and helps consumers resolve specific health care problems. Since its inception in July 1997, the Hotline has helped more than 20,000 consumers.

For example, OPA has participated annually in one of Sacramento's largest annual community health events -- the KCRA Health and Fitness Expo held in January. The event, sponsored by the local NBC news station KCRA attracts 30,000-40,000 attendees over a two-day period. OPA and DMHC Help Center staff made more than 2000 face-to-face contacts with consumers during the Expo. The Expo event coordinators broadcasted commercials promoting the OPA HMO Guide and Report Card.

Sacramento is unique in the state because of its state employee workforce. Many state agencies in Sacramento sponsor Wellness Fairs and OPA participates in many, including DMV, Consumer Affairs, and Franchise Tax Board. And, finally, the Report Card is distributed in all Sacramento public libraries as well as Walgreens Pharmacies throughout Sacramento.

4. *What strategies does the office use to ensure that non-English speaking enrollees understand their rights and responsibilities?*

OPA's strategies to ensure that non-English speaking enrollees understand their rights and responsibilities fall into four categories: (1) translated materials; (2) targeted outreach; (3) public reporting of non-English language services; and (4) policy advocacy.

• **Translated Materials**

OPA materials and website are translated into several languages as follows:

- *California's HMO Guide* -- guide in Spanish; inserts in Chinese, Korean, Vietnamese, Hmong, Cambodian, Tagalog, Armenian, Russian, Arabic and Farsi
- *California's HMO Guide for Seniors* -- guide in Spanish; inserts in Chinese, Korean, Vietnamese, Cambodian, Tagalog, Armenian, Russian, Arabic and Farsi
- Printed version of HMO Healthcare Quality Report Card -- Spanish, Chinese, Korean and Vietnamese
- Website for HMO Healthcare Quality Report Card -- Currently, the Report Card is available in Spanish and Chinese. Very soon, the entire OPA website will be translated into Spanish and Chinese.

Printed and website materials are also available in alternative formats for the visually and hearing impaired.

- **Targeted Outreach and Education to non-English speaking enrollees**

OPA sponsors the “Cultural & Linguistics Initiative”, contracting with California Pan-Ethnic Health Network (CPEHN), a statewide network of multicultural health organizations working together to improve health care access. Sponsored by OPA, CPEHN has developed an “HMO curriculum” to train community health workers specifically working with Spanish and Chinese speaking communities. If this model is successful, it will be extended to other non-English speaking communities.

- **Public Reporting of Language Services available at HMOs**

OPA is a leading organization in reporting on plan access to language services. The results of questionnaires to health plans have been publicly reported on the HMO Report Card for the past 6 years. In addition, the Report Card contains information on what HMOs do to build cultural competency within their staffs and contracted providers.

- **Policy Advocacy**

OPA has worked closely with advocates, health plans, and academic researchers to increase awareness about the importance of language access to the quality of health care through the sponsorship and authorship of various reports and policy briefs reviewing the needs of limited-English speaking enrollees.

QUALITY REPORT CARD

5. *Are you able to measure whether consumers actually use the HMO Report Card? How do you know your information is accurate?*

The OPA Report Card website is monitored for the number of unduplicated visitors that come to the site, the number of times unduplicated visitors use the website, and an annual count of how many printed report cards have been distributed. The source of data is from Web Trends, a software package that is commonly used to track website activity and OPA’s inventory monitoring system used to track the flow of written materials made available to the public. Customer surveys are also completed to determine awareness of the Report Card and expectations of consumers.

OPA has contracted with the largest purchaser collaborative in the state and a nationally recognized performance measurement expert, Pacific Business Group on Health (PBGH), to produce the Report Card for the last six years. OPA ensures the content and approach of the HMO Report Card is on track by working with established experts in the fields of healthcare quality public reporting such as Field Research, UC, Berkeley School of Public Health and UC, Davis.

6. *How do you gauge the usefulness of the report card and how might it be improved?*

The Report Card website (in different versions) is tested for consumer usability through individual consumer and focus group testing each year as well as “pop-up” survey tool that

allows users to give immediate feedback on their experience using the report card. Focus groups are conducted primarily in English but also have been conducted in Spanish and Chinese. Both the website and printed version have also been formally evaluated for consumer usefulness by the UC, Davis Center for Health Services Research in Primary Care. UC, Davis provided a report with key findings to OPA entitled *Evaluation of California's Quality of Care Report Card* in February of 2005.

7. Are you in favor of expanding the report card to include information about the individual physicians within HMO networks? Why or why not?

OPA has always publicly reported medical group patient satisfaction data as and, this year, if negotiations continue going smoothly, IHA and OPA will agree on a scoring and reporting methods for medical group clinical measures so that these measures can be reported alongside patient satisfaction scores in OPA's 2007 Report Card.

OPA would consider publicly reporting individual physician data if the data became publicly available and were useful for consumers. Currently, a federal pilot project is in process with the California Cooperative Healthcare Reporting Initiative (CCHRI) as one of six groups across the country currently working with the Medicare program to begin to analyze physician-level data. OPA is watching this project with great interest.

COORDINATION WITH STATE DEPARTMENTS

8. Please explain the relationship between the Department of Managed Health Care and the Office of the Patient Advocate in receiving and responding to consumer complaints.

The DMHC HMO Help Center Hotline is the primary agency established to receive consumer complaints. It is open 24 hours, seven days a week via a toll-free telephone line and is staffed with trained consumer service representatives, nurses and attorneys to assist enrollees with whatever problems or questions they may have about their HMOs. By working together, OPA and DMHC do more to protect the consumers than they could do apart. Thus, OPA meets regularly with the Help Center and DMHC management staff for updates and to discuss issues of mutual concern. OPA and DMHC also have assigned staff liaisons within each department who work with each other. And, OPA reviews the Help Center's monthly report on consumer complaints. The Help Center recently transitioned to a new data collection system which allows OPA to better analyze the data for purposes of publicly reporting, identifying relevant content for educational materials and programs and to make recommendations on behalf of consumers.

9. How does an enrollee in need of help with his or her health plan know whether to contact your office, the Department of Managed Health Care, the Department of Insurance, or the Department of Health Services?

Consumers are informed by many different government agencies and organizations, including DMHC, the Department of Insurance (DOI) and the Department of Health Services (DHS) to contact various consumer assistance services. In addition, health plans are legally

required to notify their enrollees about the availability of these services. Thus, with a variety of sources of referrals, it might seem confusing to a consumer where to call.

There have been various efforts for departments to ensure state government referrals are made seamlessly. SB 1913 was a mandate for DMHC and DOI, as regulatory agencies, to ensure "clarity for health care consumers about who enforces their patient rights ..." The DOI set up an "Inter-Agency Health Forum", made up of representatives from various state and federal agencies, to focus on consumer outreach and access/policy issues. OPA staff has attended these meetings since 2001.

However, rather than attempting to educate consumers about which resource could best address their needs, it may be most effective to train internal agency staff to better understand the roles and capacities of each assistance agency in addressing consumer needs. (It's complicated enough for those inside state government to understand the complexity of regulatory and consumer assistance agencies!) Subsequently, staff could be trained to refer and transfer consumers effectively and professionally to the appropriate department.

Finally, the OPA *California HMO Guide* refers consumers to the appropriate agency depending on the type of service and needs. The *Guide* provides over 200 telephone numbers and websites organized around 30 different topics in a user-friendly format. At all OPA outreach events, staff talks with consumers about the roles of different healthcare entities.

10. Generally, do you recommend further streamlining the state's roles in responding to consumers' problems with their health plan? How would you recommend going about it?

"Streamlining" is generally equated with consolidating functions. However, it may be unreasonable to expect that any one source to meet the needs of all consumers given the diversity and complexity of the issues that they might encounter. For example, the simplicity and convenience of having one toll-free telephone line for many programs might sacrifice the ability to provide a high level of customer service. As suggested in the previous answer, the key may be to create a response system that is integrated internally so that cross-referrals are easy and invisible to the consumer.

11. Rather than reporting to the Director of the Department of Managed Health Care, the patient advocate reports directly to the Secretary of the Business, Transportation, and Housing Agency. What challenges does this create with respect to coordination between your office and the Department of Managed Health Care? How do you overcome these challenges?

Challenges created by this reporting structure have been overcome through interdependence, open communication and respect for the mutual goal of consumer protection. I meet regularly with the Department of Managed Health Care (DMHC) Director and the two department staffs meet regularly and work cooperatively on many overlapping issues. The Office of the Patient Advocate (OPA) staff regularly attends DMHC senior

executive staff meetings, participate as team members in joint departmental efforts and confer on issues of mutual concern.

While DMHC and OPA share a mutual goal – to protect and educate consumers – the approaches to reach the goal, are different. To protect consumers, DMHC licenses, regulates and monitors the quality of plans that serve consumers, but also resolves consumers' problems with their HMOs through the 24-hour Help Center. Simultaneously, OPA assists consumers with questions, but also helps consumers become more informed decision-makers and their own best advocates via publicly reported information, education and advice. In a nutshell, we both reach for the same goal in different ways – DMHC by licensing and monitoring plans and addressing enrollee complaints; OPA by public reporting quality data and empowering individuals and purchasers.

Structurally, DMHC provides OPA with administrative support functions and the two departments reside in the same building. Yet, OPA reports to the Cabinet Secretary of the Business, Transportation & Housing Agency. While reporting directly to the Secretary, OPA appears to have an "independence" some might argue is necessary for advocacy, the oversight by the Agency Secretary ensures both department efforts are coordinated.

Both the Department of Managed Health Care (DMHC) and the Office of the Patient Advocate (OPA) are committed to protecting and educating health care consumers. Through the years, the two agencies have developed programs based on statutory mandates and learned to work together to maximize opportunities that best serve the managed care consumers of California.

Benita R. Sanchez
Goals

May 30, 2007

Don Perata
Senate Rules Committee
State Capitol, Room 420
Sacramento, CA 95814-4900

SUBJECT: CONFIRMATION OF BENITA R. SANCHEZ, REHABILITATION APPEALS BOARD

Distinguished Member of the Senate Rules Committee:

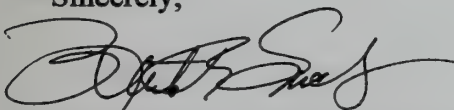
I am honored to have been appointed in August 2006, as a member of the Rehabilitation Appeals Board by Governor Arnold Schwarzenegger, and the opportunity to provide the Senate Rules Committee with information concerning my goals for the board.

A goal I would like to see continued by the board is to ensure that we provide timely fair hearings for the clients of the Department of Rehabilitation, a commitment to be available to attend hearings, so that the backlog of hearings can be reduced and the board continues to be in compliance within the requirements of Title 9 of California Code of Regulations. The Board's role is to also ensure that during the hearing process that the law has been applied in the action taken by the department, and my role is to remain impartial in making decisions, which are based on evidence and testimony presented by involved parties, namely the Appellant and the Department of Rehabilitation.

Although I have been disabled for several years, I believe that I am an effective and productive appointee of the board. I understand the challenges of working and living with a disability, and I take pride in being responsible for myself.

I want to thank you for your consideration to confirm me, as a member of the Rehabilitation Appeals Board, and for giving me the opportunity to serve the people of California. Please contact me at (916) 213-5310, if you require additional information.

Sincerely,



BENITA R. SANCHEZ

Enclosure

Senate Rules Committee

JUN 04 2007

Appointments

Introduction

The purpose of this study is to investigate the effects of various factors on the performance of a system. The study is organized as follows:

- 1. Literature Review
- 2. Methodology
- 3. Results
- 4. Discussion
- 5. Conclusion

The first section, Literature Review, provides a comprehensive overview of the existing research on the topic. The second section, Methodology, describes the experimental setup and the data collection process.

The third section, Results, presents the findings of the study. The fourth section, Discussion, analyzes the results and discusses their implications.

The fifth section, Conclusion, summarizes the main findings and provides recommendations for future research.

The study is organized into five main sections: Literature Review, Methodology, Results, Discussion, and Conclusion. Each section is further divided into sub-sections.

The Literature Review section is divided into two sub-sections: Background and Related Work. The Methodology section is divided into three sub-sections: Experimental Setup, Data Collection, and Data Analysis.

The Results section is divided into two sub-sections: Performance Metrics and Comparison with Existing Work. The Discussion section is divided into two sub-sections: Implications and Future Work.

The Conclusion section is divided into two sub-sections: Summary and Recommendations. The study is organized into five main sections: Literature Review, Methodology, Results, Discussion, and Conclusion.

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June 11, 2007

Senate Rules Committee
Sacramento, CA

RE: June 20, 2007 Appointment Review for D'Karla Leach

To Whom It May Concern:

It is with great pleasure that I provide this brief update regarding my appointment as a public member to the Board of Behavior Sciences (Board). Initially, my interest was to serve in any capacity the Administration determined because my desire has been to participate in civic service. When the opportunity became available, I was honored in being selected to the Board.

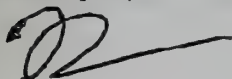
Since September 2006, I have been an active board member and served on its Communications Committee as well. I have learned so much in such a short time and understand how important my role is in protecting the public and the integrity of mental health care services to California's citizens. The opportunity to assist in policy decision making in the effort to positively impact Californians has been tremendous. Additionally, the Board is a wonderful team of people who have the common interest of improving mental health care and is actively involved in taking steps to develop the Board. Being a part of such a dynamic board really adds to my overall enthusiasm in being an active member during my term.

The middle part of last year was a difficult transition for me because I had health issues which impacted my work life for most of the year. However my health has since improved, and I have taken on a new challenge as an Independent Contractor with the Commission on P.O.S.T.; I have served in this position for the past six months and have gained more State experience from a consultant perspective.

It is my sincere hope that the Senate Rules Committee finds in favor to approve my appointment to its full term.

Should the Committee have questions, please feel free to contact me by phone at (916) 203-2846 or via email at dkarla.leach@post.ca.gov.

Thank you,



D'Karla Leach, Public Member since 09/06
Board of Behavioral Sciences
CA Department of Consumer Affairs

(My economic interest status remains unchanged from the previous year).

TOTAL P.02

RENEE B. LONNER, M.S.W., B.C.D.

LICENSED CLINICAL SOCIAL WORKER

BOARD CERTIFIED DIPLOMATE

License LCS 5147

5 June 2007

California Legislature
Senate Rules Committee
Don Perata, Chairman
State Capitol, Room 420
Sacramento, California 95814-4900

Senate Rules Committee

JUN 07 2007

Appointments

Senator Don Perata

JUN 07 2007

NS

Dear Senator Perata:

I feel extremely privileged to be nominated to serve on the Board of Behavioral Sciences at this significant point of major change in the delivery of mental health services in the state of California. My areas of interest and goals during my tenure on the Board are shaped by over 30 years as an LCSW, with practice settings ranging from a community child guidance clinic, to a mental health center within an HMO, to private practice; for the last 18 years, I have been the Clinical Director for an employee assistance program that provides mental health and management consultation services to major corporations. I have served as the President of the California Society for Clinical Social Work and as a member of the national boards of the Clinical Social Work Federation and the American Board of Examiners in Clinical Social Work. I believe that my broad range of professional experience will serve me well on the Board of Behavioral Sciences.

Of course, the major charge of the Board is consumer protection and ensuring that professional standards of care are upheld. I believe that accessibility of the Board to both the consumer and mental health professional serves this end, and one of my immediate goals is to contribute to the excellent outreach efforts that have been planned by the Board's Executive Officer. Education of the consumer is an integral part of protection and I am interested in increasing the public's knowledge base about the mental health disciplines and their scope of practice. I believe that the public is served by understanding the similarities in scope of practice among the major mental health disciplines; an educated consumer is in a much better position to make an informed choice in terms of a mental health professional. My extensive background in the clinical/legal area should be most useful in the consideration of consumer protection issues.

The area of access to mental health services is of major interest to me and while the Board is not responsible for implementing the Mental Health Services Act, our contribution in the regulatory areas can be very supportive to this concept. The state of California has a dramatic shortage of mental health professionals, and there are many

seriously underserved populations (rural, elderly, etc.). In my view, there are several issues before the Board that will contribute to increased availability of mental health professionals in this state and I am very interested in working on these matters.

In my view, the term “access” to high quality mental health services is a comprehensive term that ranges from geographical access and the need to support telemedicine as a concept, to ensuring consistent and rigorous clinical education across all mental health disciplines throughout the state. This concept includes educating the consumer about mental health services and the functions of the Board. I look forward to actively participating as the Board identifies ways to increase access to quality mental health services for consumers in the state of California. One of my immediate goals in this area is to increase the transparency of the education and training among the different disciplines so that similarities are clear and “turf” issues are minimized. Emphasizing the similarities in scope of practice and clarifying educational and training requirements would also send a clear message to the professional schools about the need for consistent and high standards. I believe that my experience as the Clinical Director of a national EAP firm gives me a unique perspective to address access and quality of care issues.

“Best practices” is a term used in the health care arena to indicate an expectation of excellence through constant monitoring and improvement in the quality and delivery of services. The Board has taken on this standard for themselves – they wish to become a model of excellence in promoting quality mental health care services for the people of the state of California. This charge of the Board is very exciting to me. This has been my goal in my practice settings over the past 30 years and I feel honored to be considered as a member of the Board of Behavioral Sciences.

Sincerely,



Renee B. Lonner, LCSW

THE PEREZ LAW FIRM
Victor M. Perez

Attorney at Law/Abogado

California Legislature
Senate Rules Committee
Attn: Chairman Don Perata

Dear Chairman Perata and Members of the Committee::

First let me apologize for the delay in getting this document to you. As a small business man illness to staff members sometimes causes unavoidable backlogs and delays. Such has been the case here with two paralegals out.

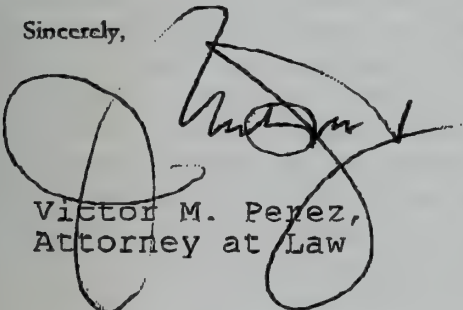
Next, in anser to any changes in the last filed form 700 Statcment of Economic Interest, there have been no changes. By way of explanation, my partnership involving Billy Rays restaurant has yielded no profit to date.

Respecting my short term goals as a member of the Board of Behavioral Sciences. I would like to see the Board be more accessible to the public at large. I believe that this has begun to be addressed by virtue of the recent web page launched by the Board. This however is only a beginning. I believe that we must find ways to meet with community leaders in all aspects of society to find ways to make the public aware of the assets available to them. The stakeholders in mental health also deserve accountability from the professionals they seek guidance from. To this end the highest standards of conduct and preparedness must be adhered to.

Long term I would like to see the Board make more efforts to address the void that is rural mental health. Perhaps including more training specific to the needs of varied cultural and economic stakeholders, would encourage professionals to seek out such placement. Last I would like to see the Board contribute to ending the stigma associated with mental health treatment. The can be done with efforts to educate the public to the resources available to them

I could go on but I have been asked to be brief. I am available for further comment or clarification should you need, at the number listed above or my cell which is (559) 901-5728. Thank you for your consideration

Sincerely,



Victor M. Perez,
Attorney at Law

Senate Rules Committee

JUN 1 - 2007

Appointments

CONFIRMATION PERSONAL STATEMENT

Karen Maria Roye

11 June, 2007

I am honored to have been nominated for confirmation as a public member of the California Board of Behavioral Sciences. If confirmed, I will effectively represent the public with my sensitivity to diverse populations, understanding of public service, and business acumen.

Facing the Board of Behavioral Sciences will be its ability to meet the growing demand for licensed Marriage and Family Therapists and Clinical Social Workers while maintaining its high standards of excellence. During my tenure as a member of the Board I will work with my colleagues to successfully implement a strategic plan that articulates the mission and vision of the Board through relevant long and short term goals that can be measured and tied to accountability. Two guiding principles are the development of professional standards for licensed professionals that appreciates the changing complexity of mental health issues facing a diverse California and with the continued development of professional standards for the administrative and operational management of the Board that demonstrates good stewardship of the public trust.

The daughter of immigrants from Jamaica, I am the product of my parents' values. My dad always insisted that my brothers and I have the best education he and Mom could afford, and they worked long hours to give us just that. He was grateful for the opportunities that this country had to offer; he never let us dwell on the things we didn't have, but encouraged us to pursue the things that would grant us access to all America had to offer. "Don't dwell on racism," he would say, "...work harder and prove to folks that taking a chance on you was the best thing they could ever do." My mother inspired in me a love for people of all races and ethnicities. She was a registered nurse who managed a ward for a nursing home; it didn't matter the race or the religion of her patients – they were all aging and in need of love and attention.

No matter what position I have taken, be it receptionist or director, it has always been my goal to be an active leader. With over 20 years of public service in the areas of budget, finance and social program leadership, I have a strong record of strengthening disadvantaged and disenfranchised individuals and communities. I currently am Director of the San Francisco Department of Child Support Services. I am also a member of the Finance Committee, the Planning Committee, and the Research Committee of the National Child Support Enforcement Association (NCSEA), as well as the Finance Committee of the Child Support Director's Association (CSDA) for the state of California. In my prior position as a budget analyst for Mayor Willie L. Brown, I developed baseline budgets for the Departments of Public Health and Human Services and developed strategic funding streams for the Mayor's Office on the Homelessness. During fiscal year 2001-2002 I was able to develop sufficient funding to aid in the opening of Mother Brown's Soup Kitchen in the Bayview Hunter's Point area.

I have been able to use my skills in financial management and my understanding of the communities most in need of mental health in my volunteer activities. I currently am a member of the Planning Committee of the National Association for the Advancement of Colored People (NAACP) San Francisco Chapter and the A. Philip Randolph Institute (APRI) San Francisco Chapter.

I commit to bringing energy, creativity, leadership, and integrity to the important work of the California Board of Behavioral Sciences – the same attributes that I bring to the NAACP, APRI, NCSEA, and CSDA. My commitment is to work openly with all members of Board of Behavioral Sciences towards furthering our common goals and protect the public interest. I respectfully ask for your support and look forward to working with you in years to come.

SENATE RULES COMMITTEE

STATE OF CALIFORNIA

HEARING

STATE CAPITOL

ROOM 112

SACRAMENTO, CALIFORNIA

WEDNESDAY, JUNE 27, 2007

1:40 P.M.

Reported by:

Evelyn J. Mizak
Shorthand Reporter

APPEARANCES

MEMBERS PRESENT

SENATOR DON PERATA, Chair

SENATOR ROY ASHBURN, Vice Chair

SENATOR GIL CEDILLO

SENATOR ROBERT DUTTON

SENATOR ALEX PADILLA

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Appointments Consultant

BILL BAILEY, Consultant to SENATOR ASHBURN

DAN SAVAGE, Consultant to SENATOR CEDILLO

CHRIS BURNS, Consultant to SENATOR DUTTON

BILL MABIE, Consultant to SENATOR PADILLA

ALSO PRESENT

JAMES E. TILTON, Secretary

Department of Corrections and Rehabilitation

KINGSTON "BUD" W. PRUNTY, Undersecretary

Department of Corrections and Rehabilitation

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P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN PERATA: Well, as long as we're being gracious, why don't you guys come up here.

[Laughter.]

CHAIRMAN PERATA: Mr. Tilton and Mr. Prunty, welcome.

I'd like to just begin by saying that of all the things that we've considered in this Committee since I've been Chair, and of all the issues that have come before us, and individuals that we've confirmed, nothing has been as big or as consequential as what we're doing here today. And I make that as a statement of fact.

I know this morning the courts were debating whether or not to impanel a three-judge panel to decide whether or not they should impose federal caps on the population of our prison system.

In your own rather extensive statement, Mr. Tilton, about the condition in which you found the Department when you came, it's sort of hard to figure out where to start. We've gone through a lot of things that, frankly, I have been alternately confused by, frustrated by. I guess if I had as close a view as you did, I'd probably be angry.

But we've gone through reorganization. Lots of fundamental questions remain. I am still not clear on the lines of accountability.

I got the new and revised org chart today. There's still a lot of vacancies. They've added two Chief

1 Deputy Secretaries, and people got titles to do stuff that I
2 don't understand. I don't have to, as long as you do, and I'm
3 not suggesting you don't.

4 But what I do know is that almost at every turn,
5 we find ourselves today in a situation where we have the highest
6 population in the country. And as a matter of fact, I think
7 since Russia and South Africa went down, we're the reigning
8 champions for keeping people under lock and key in the world.
9 It's not a distinction that we would necessarily like.

10 We can't seem to bring anything in on time when
11 we're building stuff. Our recidivism rate is just scandalous.
12 And then we pile on by passing AB 900, which was our best guess
13 at what the Governor said he needed in order to avoid a
14 take-over by the federal government.

15 So, the difficulty of this job is not lost on
16 me. I'm very happy that you decided to come back and do it. If
17 you were race horse, we'd be giving you a saliva test to see if
18 you've been doped.

19 [Laughter.]

20 CHAIRMAN PERATA: You don't have to worry about
21 that happening here today.

22 I want to give the circumstances that you face as
23 the Director its due, so this will be a hearing that will go on
24 today. And because we have a limited time today because of the
25 budget conference, we will continue this until next Thursday.

26 This is not a sign that you're in any jeopardy.
27 This is just that there are a lot of things that I think we
28 ought to get out in the open, and you ought to have an

1 opportunity to address.

2 I know there's always a lot of people who make
3 innuendoes and suggestions about things, so this would be a
4 time, perhaps, to clear it up.

5 But more than anything, I know the court this
6 morning was critical of the, quote/unquote, "Senate." I think
7 they meant Republican Senators, but they didn't say that.

8 [Laughter.]

9 CHAIRMAN PERATA: But they were talking about the
10 need to begin to limit, or be more selective in who we invite to
11 prison.

12 So, we're in this together. And the Governor,
13 the buck does stop with him, but you are the drive train on
14 whether or not we're going to be successful.

15 So, I'd like to just offer you an opportunity to
16 open. I understand you have your family here. They don't have
17 to come back next week. We'll give them credit for two weeks in
18 a row. You can introduce them at any point that you'd like.

19 You may begin.

20 MR. TILTON: Senator Perata and the rest of the
21 Members, I appreciate the opportunity.

22 I would like to introduce my wife, Cheryl,
23 sitting in the second row.

24 CHAIRMAN PERATA: He'll be fine, relax.

25 [Laughter.]

26 MR. TILTON: And I think I want to acknowledge,
27 Cheryl, that we've been married for 35 years.

28 And without her support, I wouldn't have the

1 career or even the willingness to tackle this job. As you know,
2 I was in the Department for 13 years. She very clearly
3 understands what this job is, and has stood back with -- backed
4 my judgment, even though she questions it everyday.

5 If you don't mind, what I'd like to do is, I have
6 a few points that I think it's important to give you and the
7 Members a sense in your deliberations about whether I should be
8 confirmed as the Secretary: My sense of who I am; what I've
9 been doing the last 12 months, and why I did it; and give you a
10 little bit of history.

11 And then talk about where I think the Department
12 needs to go, and where I believe the challenges are, and what
13 I've been trying to attempt to do so that you'll feel
14 comfortable on two facts. One is that I have a clear track of
15 where I want to go and a plan to get there. And then you will
16 have to make the judgment about whether I'm the right person to
17 do that, but I think I have had the opportunity of 12 months in
18 this job.

19 So, let me start with a few comments. First of
20 all, I think it's fairly clear. People know that when the
21 Governor asked me to come over last April as the Acting
22 Secretary, I was fairly blunt that I was the Acting Secretary. I
23 had a good job offer. I was leaving the Department of Finance
24 and was looking forward to living in the city across from the
25 ballpark, and was excited about an opportunity to work with the
26 Chief Justice, and a great opportunity for me and my family.

27 So, when the Governor asked me to come over when
28 Jeanne Woodford, who was the Acting Secretary, decided to

1 retire, and I was labeled, "Oops, here comes another Acting
2 Secretary, the third in a short period of time."

3 But I was unwilling at that point in time to say,
4 Yes, I was staying. That I -- on a number of fronts, I came
5 over as a favor to the Governor. Thought I had some tools. I
6 was over here in the Spring, and so I knew about the Department,
7 been around it, and in fact had did [sic] a report for Jeanne
8 Woodford on some issues I saw.

9 So again, I came over in April, and I was going
10 to be the temporary Secretary, but I told the Governor I'm not a
11 caretaker, that if you're going to send me over there, you need
12 to give me some authority to do some certain things. I was over
13 in the Spring, and there's huge issues.

14 The biggest issue I saw was the overcrowding,
15 lack of programs, vacancies, and what I considered a powder keg
16 for this state.

17 So, when I went over, I identified five goals. I
18 thought they were -- I need to let people know that if I'm here
19 temporarily, I have some things that I want to do. The first
20 was the overcrowding, that there was not a plan on the table for
21 how are we going to address overcrowding the prison system.

22 And what ultimately ended up as AB 900 in many
23 places was that package I brought back over in June and July to
24 the Governor. So I -- we provided a plan that was
25 comprehensive.

26 The second was an issue that -- no programing.
27 In fact, I was shocked to see -- I will be candid. When I was
28 in the Department before when we built the prisons, we put

1 program in, but it was for day-for-day. It was not whether it
2 was impacting individuals, but there clearly were programs.

3 And I walked in and realized in the early 2000s
4 that the programs were taken away, and that shocked me. Even
5 from the point of view of they may not have been the best
6 programs for recidivism, but they at least were active programs
7 for people to participate.

8 So, with Senator Machado's assistance, that
9 Spring we put in a small start, \$50 million to start putting
10 some programs in place in the prisons. And even though we had
11 some delays because of contract issues, today all but one of
12 those programs are up and running. So, I'm proud of that.

13 The other issue is management vacancies. We had
14 a situation. I was lucky to get there a few people like
15 Mr. Prunty that agreed to come work for me, even though the pay
16 wasn't there. In fact, if you became a warden from a chief
17 deputy, you took pay cut. And then everybody in my Headquarters
18 organization made less than that.

19 And so, it was a struggle for me: How do I bring
20 talent? For the first six months it was one-man show. And
21 decisions would all come up to my office, and it was very much
22 of a struggle.

23 I was successful in getting compaction for
24 wardens fixed in October, but it wasn't until March 1st that I
25 was able to address not all of compaction, but the chain of
26 command up through the wardens was fixed. And since then, I've
27 been very pleased with the caliber of individuals who have said,
28 "You know what? We want to be part of your team."

1 And not just within the Department. It's a good
2 balance of what I consider some of the best and brightest out of
3 the government who have said, "Okay, we're going to sign on. We
4 have confidence in your leadership, and we're willing to help."
5 That's a major -- a major issue for me.

6 The last is fiscal accountability. I thought
7 it'd be the easiest one for me to fix, because that's my
8 background. But because I couldn't bring managers into the
9 Department in that administrative area, it's probably the one
10 area that I've -- I've struggled the most on.

11 It's not like we're not going live within our
12 budget, but the reality is the efficiencies and the monitoring
13 is not there. But now with Mr. Kessler and the rest of the
14 staff that have come on in the last few months, I am very
15 confident we will quickly put proper processes that demonstrate
16 this huge budget, and demonstrate to the taxpayers of California
17 itself, that we have good, prudent fiscal policies in place.

18 And to be able to answer your questions -- I ran
19 into trouble this year with Senator Machado, who asked me some
20 good questions. And a lot of times, that's a good question, but
21 I'm having trouble getting the answer because I don't have the
22 data.

23 The last issue for me was developing a working
24 relationship with the courts. I'll be candid, it's been a
25 little bit of a struggle. I continue to have optimism that we
26 will be able to work with all the courts. Almost every place I
27 turn in the Department of Corrections and Rehabilitation, I've
28 some special master, or court, or a receiver who has impact.

1 But I'm committed to those courts, that their
2 goal is my goal, that we need to deliver proper programs. We
3 need to have proper medical care, mental health, dental.

4 But I think it's my responsibility as the
5 Secretary to do that in a fashion that delivers those in a
6 cooperative way, the Department, so it's not just medical versus
7 the rest. But the other hand, that it's a proper fiscal -- a
8 prudence [sic] to the taxpayers. So, that's my goal.

9 Then September comes along, and the Governor
10 approached me about staying, and had a couple comments. We kind
11 of laughed. He -- I says, "Well, this is going to take some
12 continuity. You're running for election. I'm not going to -- I
13 need some -- to fix this is going to take time."

14 So, we joked about, "Well," he says, "well, if I
15 hire you, then you need to stay for the rest of my term."

16 My comment was, "Well, that's up to you. You
17 have to win election."

18 He called me on election night and says, "Okay,
19 here we go. It's time to do that."

20 So, I'm very pleased with his support. I mean,
21 the fact I've been around the prison system for over 20 years,
22 and I believe the reforms that are important to me are the
23 Governor's reforms. And without that support, and the support
24 I've been getting from the Legislature and other folks, I
25 wouldn't have stood up to say that.

26 But besides the Governor's support, I've been
27 very much pleased to say this is not a CDCR issue. This is a
28 statewide public safety, providing services to the citizens of

1 California.

2 And my interaction with public safety and
3 communities has also brought to bear -- the people recognize
4 that sending inmates to prison with the idea that we've thrown
5 away the key and they're not coming back is a lie to the
6 state -- citizens of California: 95 percent of the inmates are
7 coming back, over 60,000 in less than three years. And what
8 I've been preaching, and it's not -- this is not every single
9 inmate, but by and large when I say that CDCR was a warehouse,
10 that's what I think I found.

11 And I quote a friend of mine, Sheriff Kolender,
12 who says: An inmate comes in off a violation, spends five
13 months on a bunk, and comes out with zero value added. And my
14 view is, it's worse than that. It's negative value added if
15 there was some things the person was working on to be
16 successful.

17 I don't believe that 172,000 inmates will turn
18 their lives around, but I owe them the opportunity, while
19 they're under my care, to take advantage of drug treatment,
20 anger management, mental health, all those issues. And if they
21 stand up and take responsibility, then I should provide those
22 tools for them. If they don't, and don't want to program, we
23 have a response for that.

24 So, I think it's very important for us to provide
25 that opportunity for those individuals. And if they turn their
26 lives around, that's good public safety.

27 I'm not an advocate of releasing inmates early.
28 They need to serve their time.

1 But that whole issue of local government -- who's
2 come together with me with ideas of how do we deal with jail,
3 how do we deal with providing services for people in the
4 communities, how do we integrate that so that we have a
5 one-system versus the CDR system -- makes me think, okay, we
6 have a chance if that's how we treat -- treat this issue.

7 The other is, the folks that have been willing to
8 come work for me, that I can't do this alone if I can't build
9 the management team that supports this. So, it's the
10 individuals that have said yes, we're willing to come and work
11 with you that makes me want to stay.

12 Last, I think, I've been traveling the state.
13 I've been to not all the prisons; I've been to about 15 prisons,
14 and 2 or 3 of the DJJs, and many of the camps. And I am
15 impressed with the staff of this Department with the conditions
16 they're trying to operate. When you walk into a prison and see
17 a dorm with 200 inmates in it, you've got 8 showerheads, 2 are
18 working and the water's cold, we're surprised that people are
19 having problems living in that environment.

20 But I see my staff who care, and who in my view
21 are the ultimate public servants in this state. And now what
22 they need is some consistent leadership. They need some tools.
23 They need some resources. And I'm convinced if we lay out clear
24 expectations, with measurement and accountability -- I mean,
25 I've been around this Department long enough that you have to
26 measure performance, and -- but if you make the expectation
27 clear, and measure people, the folks that are following that
28 policy and procedures, they will get in line, and you need to

1 deal with the ones that aren't.

2 So, that's why I agreed to stay in September,
3 when I said, you know, I think this is something.

4 The last point I want to make is, I didn't have
5 -- didn't think I was the right guy. I'm the fiscal guy; I'm
6 the bean counter. What do I know about this Department?

7 But I've learned that I understand the culture of
8 CDCR, that I believe they've isolated themselves from the rest:
9 from the Legislature, from the public.

10 I've opened up and allowed the press to come.
11 I've been very pleased that Legislative Members are willing to
12 come in and visit prisons. And I need to open up and make this
13 Department transparent. And hopefully, I will be that voice for
14 the employees outside. Hold them accountable, but if they have
15 issues and needs, we need to raise those issues.

16 So, it's the women -- men and women of the
17 Department that are the last -- last piece that made me want to
18 stay.

19 The last issue I think, I think it's important to
20 walk you through what I think are some accomplishments. I think
21 that this isn't going to be turned around over night. There are
22 clearly, in my view, some demonstration of the Department is
23 starting to move in a different direction. We -- we move small,
24 maybe, but I wanted to walk you through some things that I think
25 are -- are very important.

26 The first is filling vacancies. That chart you
27 have, Senator, doesn't reflect all the appointments. I have a
28 number of appointments in the last three or four weeks that are

1 moving through the process.

2 Until last week, all my wardens were filled.
3 They're actors, and I want to work through that process. But we
4 have identified people that are willing to step up and fulfill
5 those roles. I am working on that. I've got a proposal to
6 modify how we deal with that.

7 I've got two wardens that are retiring, so I've
8 got to get back on the list. But the bench is getting pretty
9 thin, I'll have to admit. I've reached down. What I've done
10 when I got here, we had retired annuitants as acting -- as
11 wardens, and I shut that down. I said, that's not going to give
12 me any value. What happens six months later when they actually
13 do retire?

14 And so, I turned it around and reached down to
15 the organization and picked some younger people who I thought
16 had talent, maybe not as much experience as I would hope, but
17 I've appointed them as wardens. And then, we've matched them
18 with retired annuitants and some education support to mentor
19 them, with the idea that the prisons deserve some continuity.

20 Promoting someone to a warden and have them leave
21 within a year is not going to do any good to sustain -- sustain
22 the issues.

23 Salary compaction, as I stated, we have fixed
24 part of it. We, in fact, now have a situation where, if you
25 promote to a warden, or up to Sacramento, at least you get your
26 five percent. There are a number of other classifications that
27 are related to custody that aren't fixed, and I'll continue to
28 work on. But it's demonstrated that with a little bit of money,

1 not huge, there's incentive and there's a talent pool that'll
2 come work for us.

3 Local government, when I got here this Department
4 had a terrible relationship with local government. The sex
5 offender, high-risk sex offender shuffle that I walked into and
6 was advised that we were notifying communities, and I found out
7 we weren't. We were notifying them after the fact, that there's
8 a high-risk sex offender.

9 But we're working with law enforcement. My
10 Parole Division, I think, stepped up. And we developed a good
11 working relationship with local law enforcement. And now we
12 have a pattern of identifying people six months out, and
13 communicating clearly with local law enforcement who's coming
14 out, when they're coming out, and dealing with the housing
15 issues. So, I believe that's a demonstration that this
16 Department's kind of changed its attitude about being part of
17 the bigger system, and I'm pleased with that relationship.

18 We've had some real hard-to-fill classes, to be
19 honest. And when I got here, it was kind of a shock to find out
20 that the custody pipeline and academy had been shut down. And it
21 was a struggle bringing that back.

22 We've retooled it, but I'm pleased that we now
23 are running full academies. It took a while. And now the next
24 step for us is not to stop there.

25 Thank you to the Legislature for authorizing a
26 Southern California academy as a -- as a capital outlay project,
27 but we're working now to expand our capacity with academies: a
28 temporary Southern California academy, and then working with the

1 community colleges in some satellites. So, we're making
2 progress there.

3 The other issue in the Department, I found that
4 there used to be pretty good systems of accountability and
5 performance, and they were gone. I couldn't tell you how I was
6 doing in the field, and whether they're following policies and
7 procedures.

8 And I'll give Jeanne Woodford credit. She
9 started the month before I got there working a COMPSTAT process,
10 which was -- basically Chief Bratton did in New York. And he's
11 been gracious enough to let me monitor his process.

12 We have now have a COMPSTAT process in the
13 Department for every six weeks, managers are brought up to
14 address performance in their -- in their facilities, as well as
15 broadening that to all the managers to start having performance
16 expectations.

17 We're growing. It'll get better, but I've
18 already seen significant impacts of that discussion.

19 For example, we had lockdown. How is your
20 lockdown, is one of the issues we looked at. And we found a
21 prison that was locked down for a long time.

22 I asked Mr. Prunty to take a look at it, and I
23 asked the basic question. I says, "Are they still getting their
24 goodies by locking down?" In other words, their visiting and
25 canteen.

26 His response was they were. And with his
27 direction, it didn't take long to provide some accountability,
28 clear expectations, and that prison is up and running largely.

1 So, that process lets us monitor people, clear expectations.

2 The last piece of that, when I travel to prisons
3 my gauge of whether the warden is doing a good job is whether
4 that process is migrating down into his staff. When I talk to
5 line staff, and they don't know what COMPSTAT is, then I know
6 it's just a superficial issue for the warden, and we have
7 discussion to make sure it's a measurement performance for all
8 staff in the Department.

9 In addition to that, I'm reestablishing an audit
10 capability. When I was in the Department before, how we knew
11 what was happening, we had clear guidelines in terms of policies
12 and procedures. We had an audit instrument that was published
13 and trained to, and then we audited. And we held people
14 accountable for fixing the audits, not necessarily that we found
15 things.

16 And that process over the years, and I'll
17 describe, I had it for the Admin Division. The other divisions
18 had it. But because of that process in place in the '80s and
19 '90s, as Admin Deputy in the Department, I was fully delegated
20 by every control agency. Even the Department of Finance allowed
21 me to audit my own books to certify for the controllers. So, we
22 proved with performance, clear expectations and audit, you can
23 get compliance with expectations.

24 And so, that same tool I'm putting back in place.
25 I just hired a new head of Audits that I have a lot of
26 credibility or confidence in that we will put back some of those
27 processes.

28 In addition to that, and part of this is driven

1 by the \$50 million I talked about in terms of program money, but
2 we were -- one of the first things I did was expand visiting.
3 Not enough. You know, we expanded another day for 10 prisons.
4 We added a social worker to help that.

5 But to demonstrate we're moving forward, we also
6 established 18 more voc programs in the institutions. One of my
7 proudest programs, and I'm working with the unions, is we
8 established a Carpenter Apprenticeship Program at Folsom where
9 we have inmates who are building modulars. The Carpenters Unit
10 46 came in, and they're providing the supervision.

11 For years, I worked in the capital outlay
12 process, and I was going to go out and see modulars with
13 aluminum siding. And these are modulars on steroids. They're
14 steel framed. In fact, I had to go to the Department of Finance
15 and admit that I was not building temporary; I was building
16 permanent facilities. And they're giving me a waiver to the
17 capital outlay process to build these in.

18 But I'm very proud. Those inmates will come out
19 with a GED, signed up for apprenticeship, \$18-an-hour job, full
20 benefits, and a job when they walk out.

21 And I was -- I tell a story about talking to an
22 inmate. He had a secret. He says, "You know what? I'm going
23 to get my GED. I get more money in the Apprenticeship Program
24 with a GED." So, the incentive.

25 So these inmates told me it was the first time
26 they could. Had a can-do attitude.

27 We will monitor those. I think there's been a
28 number going out, and I expect the recidivism rate for that

1 group to be almost zero, because they have a capability to do
2 that.

3 Also, I went down to Blythe and -- and ran into a
4 program, met a program. We graduated over 100 inmates last
5 month in GED or AA degrees, and advanced degrees, a program
6 pretty much run on its boot straps. The inmates, to be honest,
7 are taking responsibility for that program, working with the
8 community college, and very exciting.

9 So the issue for us is, how do we migrate those
10 programs?

11 AB 900, I think, is a major milestone for the
12 Department. I think -- I'm out trying to impress people that AB
13 900 is not a bed plan. It's the capital outlay proposal, which
14 is why it looks like it's a bed program.

15 But my view is, I do not want to build more big
16 prisons. We've got enough of those. That's not my opportunity.

17 The infield beds that are there -- and I
18 appreciate the fact that the Legislature tied those infill beds,
19 16,000, to not expansion, but to move people out of those bad
20 beds, those dorms, and dayrooms where we have inmates just
21 stacked up, to move them into more appropriate housing and
22 backfill with full programing. So, those 16,000, quote/unquote,
23 are called "prison beds," are just to build housing and put
24 program in place, and I can do them quicker.

25 But for me, the program that is most exciting for
26 me and what I think I would like to have my legacy is putting in
27 re-entry facilities, where we identify facilities that are --
28 where people are going to parole. We provide full programming

1 in those facilities, so we provide a situation where the inmate
2 gets -- we have a better inmate coming to that community, and
3 work with the community to identify what services.

4 The principal of that program is to identify
5 capacity in prisons for what kind -- or in communities, what
6 kind of programs do you have.

7 My expectation is, I cannot pay for every service
8 for a parolee. So, I need the community to step up and say,
9 "Okay, what services do you have that you can to provide
10 assistance? In exchange for you being willing to do that, I
11 will come in and put your citizens in that facility for up to 12
12 months, provide more program, and a better transition to parole.
13 We will provide you a better citizen back, hopefully better than
14 you sent me." With that, we'll get that partnership developing
15 and going.

16 The other piece of all this working, besides the
17 program is, we do not have good tools in the Department. We've
18 been a bed management Department, where we find a bed and that's
19 what's important.

20 We need to change that and provide an assessment
21 of inmates in terms of both their program needs, as well as
22 their risks for recidivism. And they're combined.

23 And so, we have started a process of doing that.
24 We have over 50,000 inmates who are going on to parole who have
25 been assessed. We're getting an expert panel to come in, a
26 group, to validate that tool.

27 But we need to make sure inmates are identified
28 with early on. We're starting at four reception centers as a

1 pilot to evaluate inmates so we have: What do they need i
2 terms of programs? And then tie programs to that.

3 We have asked for help, and I've got people from
4 around the country helping me, experts, who help me tie what
5 programs work for what kind of inmates. And so, we have an
6 expert panel report that you'll be getting very shortly that I
7 think will set the -- the groundwork for moving programs in
8 place.

9 The other side of this is, I don't have clear
10 tools, to be honest, on parole violations that I can tell you,
11 "Here's my policy, and this is what takes place on the ground in
12 terms of parole violations."

13 So, the other thing we're putting in place is a
14 -- take these assessment tools, both in terms of program and
15 risk for recidivism, and apply that to our violations of
16 parole. That we need to have an ability -- and then measure
17 it. I need to be able to say, "Here's my policy. Here's your
18 criteria. You get to make decisions within this," all along
19 making sure we provide public safety.

20 But one of the things I've found, I did a -- I've
21 had my head of parole do a run of what kind of decisions that we
22 have out there taking place, and it's not consistent. And so,
23 Mr. Hoffman has been pushing very hard to get a process that
24 says we have consistent decisions. We can't have a policy in
25 this state based on the individual Commissioner or the
26 individual parole agent.

27 So, I'm excited about that process. With that, I
28 think I'll be able to say, "No, this is good public safety. I'm

1 making the following -- following calls."

2 So, all this basically is laying the groundwork
3 to establish a department that has credible managers, clear
4 expectations, and performance expectations on what we do, so
5 that when we talk policy, or we talk programs, we can measure
6 what it's doing.

7 One of the best appointments I've made in this
8 Department is, I found an individual who was head of research in
9 Florida, Mr. Chapman. And he has put together what I consider a
10 great research section. This Department used to have a huge
11 research back in the '70s. And I'm very pleased with his
12 effort.

13 In combination with Mr. Chapman and some of the
14 experts we have around the Department, I think we'll be able to
15 do that real measurement.

16 As Senator Machado told me, he said, "We'll give
17 you some resources for program, but you'd better prove it to me
18 that it's worth the effort."

19 And so, I've promised him that we'll have
20 performance expectations on those issues, because when we asked
21 the Legislature to fund a little more money for program, it's a
22 fair question: What's the value of this program? So, that
23 research element is very important.

24 One thing last Fall, my last couple comments, is
25 people told me no one's going to want these re-entry facilities.
26 Why would anyone want to put a mini-prison in your community?

27 And I want to pass on to you what I've been
28 telling your communities. If you like the current environment

1 of inmates coming out of prison with 200 bucks in their pocket
2 and no skills, then you can have it.

3 But if you'd like to work with me together to
4 provide programs for inmates that are tailored to what they need
5 to help them be successful and be part of that, then I will
6 build it, and operate it, and provide transition funds to you.

7 Well, when AB 900 was passed, I had a county,
8 Monterey County called me the next day, and they were a little
9 bit in a panic. And this was a shock in terms of how in six
10 months, things change. Their concern was that, had they missed
11 the window? Are they too late to get re-entry facility?

12 Of course, I told them, "You better hurry."

13 But I have over 20 communities who I believe are
14 poised to work with us on developing needs. And this Summer,
15 we're going to do more of an outreach to make sure everybody has
16 a chance.

17 But I'm excited about the fact that the citizens
18 of the communities recognized that the status quo of the last 20
19 years of this revolving door has not been successful.

20 But I want to re-emphasize that from my point of
21 view, people need to serve their time. And we should do a
22 better job of assessing their success on parole and have those
23 kind of issues.

24 The Governor signed last fall, I think, one of
25 the first steps to do that, which provides incentives for
26 programming for drug treatment. And we need to measure their
27 ability of success, and based on that success, those folks will
28 be released from parole. We need to monitor that and make sure

1 they're actually successful as we go through that process.

2 The last point I guess I would make is that I'm
3 excited about this opportunity. I know I've had my own
4 frustrations about what I've been able to accomplish in the last
5 12 months. I know others have. Senator Machado and I talk a
6 lot about what we talked about last Spring, and what we're going
7 to do.

8 I understand the confusion of that org chart a
9 little bit, partly because I've changed it. I walked in, to be
10 candid, and said, if I'm going to be here for awhile, the
11 re-org -- I had boxes, to candid, that had a box with a title
12 and no resources in it, so that made it kind of hard for me to
13 figure out what they would do, let alone how they would do it.

14 I believe the reorganization is sound. I think I
15 needed to bring some more higher level management, the
16 Undersecretaries, to assist me. But I believe the idea of
17 combining all those departments is a good one.

18 I need to be mindful that the adult programs
19 don't dominate everything. DJJ, for example, the Legislature
20 pushed back on the administration. There's a stand-alone DJJ.
21 My job is to make sure they get the assistance they need, the
22 same as Parole Board and CSA.

23 But I think as the org chart -- you're starting
24 to see there in my comments, there's one other comment I made in
25 there about I am considering two issues different from that org
26 chart, and I want to be clear to you, because it deals with the
27 issue of how you're going to manage, and who's responsible for
28 what.

1 The two issues I have still is, I'm
2 considering -- and it has not been approved -- to identify
3 another Undersecretary for Program. I think it's important to
4 put a high profile on that, especially now that we're not
5 talking about just programs in the Department, but how those
6 programs integrate with communities. So, I'm contemplating
7 that.

8 It is very clear to me that a warden is
9 responsible for everything in his prison, to make sure there's
10 programs, but my program side's to make sure what kind of
11 program works for inmates, and we will work through that
12 process. We will continue to reinforce that, and I will
13 continue to put monitoring systems in that.

14 But I'm looking forward to tackling this job.
15 With my wife's support, and the support of the people that come
16 help me, it's a challenge. It's a difficult one, when you have
17 over 50,000 employees, but I'm confident that we're going to
18 make great headways and prove to you that your support of us
19 is -- is appropriate.

20 Thank you very much. I'll be glad to answer any
21 questions you may have.

22 CHAIRMAN PERATA: Thank you.

23 Do you have something you want to say for
24 yourself, Bud.

25 [Laughter.]

26 MR. PRUNTY: I've been cautioned to make it
27 short.

28 [Laughter.]

1 MR. PRUNTY: Mr. Chairman, Senators, staff, I'd
2 like to take the opportunity to introduce my wife, if I might,
3 of 35 years I might add also, Toni.

4 CHAIRMAN PERATA: Welcome.

5 MR. PRUNTY: Jim mentioned that it's the support
6 of the family and his wife that really has given him the
7 strength to do the job that he's done, and that certainly is the
8 case with me. She's been with me every step of the way,
9 sometimes under some pretty difficult circumstances.

10 But as a way of background and why I'm here, let
11 me just mention that I have -- I started service in this
12 Department and the state in 1971 as a correctional officer at
13 Folsom. Over the years that followed, I served in a variety of
14 capacities, including sergeant, lieutenant, captain, chief of
15 departmental training, and warden at two institutions.

16 Over that time, I've had the distinct privilege
17 of working with some of the finest co-workers that anybody could
18 ask. I've seen the -- the dedication of the employees, the men
19 and women of this Department of all classifications, as they
20 consistently and often quietly go about doing a great job in
21 what is arguably the most difficult, challenging, and dangerous
22 environment in state service, and I think often without the
23 tools to do it well. I've seen their commitment to serving the
24 Department, providing public protection to our communities. And
25 for those reasons, I've always been very proud to serve with
26 them.

27 Over the years, I've experienced a variety of
28 significant changes, I think, in this Department. Probably the

1 most significant was the shift in the mission from
2 rehabilitation to punishment, an environment where the
3 Department's primary contribution to public safety was
4 incarceration.

5 And while I believe that incarceration is an
6 integral part to providing public safety, even as a new officer
7 it was ingrained into me that rehabilitation [sic] is only
8 short-term protection. The majority of the offenders are going
9 to go home at some point. And if truly we're going to provide
10 for public safety, then we need to do everything that we
11 reasonably can do to give them opportunities to change their
12 behavior and be better prepared to enter our communities as law
13 abiding citizens.

14 After 31 years on this job, I retired in 2002 as
15 the Regional Administrator of Southern California. My comments
16 about retirement, it's a good thing.

17 CHAIRMAN PERATA: Could I ask your wife what she
18 thinks about that?

19 [Laughter.]

20 MR. PRUNTY: It is a good thing.

21 But while I was retired, I -- I continued at the
22 request of the Department to help them on a part-time basis. I
23 filled in as a Regional Administrator until they selected a
24 person for that job. I filled in as Acting Warden while they
25 filled that job. And I was privileged to help develop the
26 COMPSTAT process for this Department in early 2006.

27 But I never really ever intended to come back
28 full-time. You get off your medication one day, and strange

1 things happen.

2 [Laughter.]

3 MR. PRUNTY: That's not the truth.

4 CHAIRMAN PERATA: That's as good an answer as
5 any.

6 MR. PRUNTY: I got a call one afternoon out of
7 the clear blue from Jim Tilton, who asked me to come and help
8 him. It was a very difficult decision for me to do that.

9 I agreed to do that because I've had the
10 opportunity to serve with Jim before. I got to know him as a
11 very honest, dedicated man, but a great leader. And even though
12 the decision was very tough for me, I agreed to do it simply
13 because I think Jim Tilton is the right man at the right time to
14 help this Department with his leadership through the most
15 difficult times I've ever seen in this Department.

16 But he can't do it alone, either. With his
17 leadership, his vision, the -- coupled with the leadership team
18 that he's assembled, and the dedication of the staff in this
19 Department, and with the help of the Legislature, he will move
20 this Department forward to provide for public protection by
21 incarcerating offenders in safe, humane environments, and
22 provide them access to evidence-based rehabilitative programs
23 that will better prepare them for integration into the
24 communities and the concomitant reduction in recidivism.

25 So, for the last ten months, it's been my great
26 privilege to work with Jim, and I'm certainly available to
27 answer any questions you might have.

28 CHAIRMAN PERATA: Well, thank you.

1 I admire and respect the fact that you've
2 dedicated your entire life to this, and then stepped out and
3 thought enough to come back. So, we all owe you a debt of
4 gratitude for that.

5 And I've got some medications that might make it
6 a lot easier the next time.

7 [Laughter.]

8 CHAIRMAN PERATA: Let me begin by asking, I went
9 through, and I don't do this often, but I went through the
10 entire response that you provided to the questions. And I was
11 blown away by the amount of jargon in there and alphabet things.

12 It was nice to hear you say what you said in your
13 opening because I understood it. And I understood some of what
14 you were saying here.

15 But the point really is that it's very easy to
16 slide into an inside game when you're talking about Corrections,
17 because fundamentally, it's cloaked in a certain level of
18 secrecy.

19 And politicians like me are guilty of being able
20 to hit the sore spot in the public consciousness. So, whether
21 it's the Willie Horton theory a while back, most recently now
22 we've done this with sex offenders, it's got nothing to do with
23 the evil that's attached to particular people or particular
24 crimes, but a lot to do with, people respond faster to fear than
25 they do to anything else.

26 So, we oftentimes, and I think the fact that we
27 went into a hard incarceration mode or punishment mode as
28 opposed to a balanced approach was really not something that the

1 system did. We made the system do it.

2 And it is refreshing to hear professionals say,
3 you know, 95 percent of these folks are coming back out. And I
4 think a lot of politicians would like to prevent that from ever
5 happening.

6 But such as it is, that's a reality. So,
7 whatever you do or cause to have happen to inmates in there,
8 you'd better account for the fact that one day it's \$200 and a
9 bus ticket.

10 I'm also struck by the fact that you talk about
11 drug treatment, mental health, and anger management as services
12 that needed to be provided. And oftentimes when we are talking
13 about bringing people back to society with skills, we're talking
14 about job skills. But these are all, as they used to say in
15 Latin, the sine qua non: If you don't got that, you got
16 nothing. That's what it means in Latin. I went to Catholic
17 school in the Stone Age.

18 [Laughter.]

19 CHAIRMAN PERATA: So, my first question is, does
20 every prisoner in the system have a personnel file, in effect,
21 where you could look and see not only what they did, but an
22 assessment of needs, a program to completion, and, for want of a
23 better phrase, an exit strategy?

24 MR. TILTON: No.

25 CHAIRMAN PERATA: Does not.

26 MR. TILTON: Those are the issues we're starting
27 to put in place. We have some of that, Senator. We have --
28 again, as I said, we have 53,000 folks going on to parole we

1 assess. I cannot tell you that we've matched programs with
2 those assessments.

3 CHAIRMAN PERATA: I think the easiest way for any
4 citizen, myself included, to follow all this stuff is to be
5 able, once you have those profiles, and I know you're doing
6 COMPSTAT, and I've heard a lot about it from what Bratton did in
7 New York. I like the emphasis on individual responsibility.
8 You know who to hunt down and ask what the hell's going on and
9 why is it.

10 But I also think it's easier if you're going to
11 quantify statistics in a relevant way to know what are the
12 individual human being's profile, and then you go from there.
13 So, I'm glad to hear that.

14 I was also, frankly, when one-in-five were judged
15 to have mental illness, there's manifestations of mental
16 illness, there is no way in the world that anybody goes in
17 prison and that gets better. It can only get worse, and it's a
18 difficult chore under any circumstances.

19 I don't know if anger management would come into
20 that 20 percent, or would you tack that on as --

21 MR. TILTON: Higher.

22 CHAIRMAN PERATA: And those so-called soft
23 services, I think that's part of what we have to wrestle with
24 when we're trying to pull the "R" back into the system.

25 Of the 95 percent that get out, would you suggest
26 that's too high of a number? Should some people be there
27 longer?

28 MR. TILTON: Yes.

1 CHAIRMAN PERATA: Forever?

2 MR. TILTON: Yes, yes.

3 CHAIRMAN PERATA: And I guess it's always hard to
4 figure out who those are.

5 MR. TILTON: I don't think so, Senator. Let me
6 describe a little bit what I've found, is that we have been --
7 we have been managing this organization around the crimes,
8 offenses of crimes.

9 What you're in for does not reflect your history.
10 I mean, we have people that -- so I think we have to back up a
11 little bit and not -- look at the entire person. Some of that
12 crime history, I mean, this is a progressive discipline kind of
13 issue.

14 But I think also we -- we have gotten away from
15 the issue of assessing a person's capacity to change, and I
16 think that's important. I've told communities, "Oh, we're
17 going to get a bunch of light-weight folks in these re-entries?"
18 I says, "No, you're not. The low-end folks who are in, come
19 out."

20 In fact, we have over 300 of our inmates and
21 juveniles up in Tahoe right now fighting fires. And those folks
22 who come out, they got a job, have dealt with their drug
23 treatment kind of issues. Guess what? They're going to be just
24 fine.

25 It is those other ones that we need to pay more
26 attention. I mean, one thing the expert panel told me is, you
27 know, you have to look at some of these people have a more
28 violent offense. You need to work more with them, because if

1 you can turn that person around, you really have an impact on
2 recidivism and crime in this state.

3 So, don't give up on a person just because he has
4 a significant crime, or gang membership, whatever. So, that's
5 what we have to back, and look at that, and provide incentives
6 for people to be willing to turn themselves around.

7 I've run across -- to be candid, I've talked to
8 staff and inmates. And I'll give you an example of an inmate
9 how, based on his crime, he had killed somebody when he was a
10 youngster, 40 years old and he was teaching anger management at
11 San Quentin Prison.

12 And I says, "What are you doing? Just 'til you
13 get a release date or whatever?"

14 He says, "Well, no." He says, "To be candid, I'm
15 concerned about these youngsters and how they behave while
16 they're in this prison. I'm concerned with my own safety." And
17 so, he was investing in doing that.

18 And that's what taught me a little bit. We've
19 lost the sense that when you say program, you can't say drug
20 program; you can't say mental health. Unless you look at all of
21 these skills, anger management, and how do you interact with
22 your family, what family ties, do you have job.

23 So, we've got to back up, I think. And one of
24 the problems we've had, we've had education program, we've got a
25 drug treatment program.

26 But I learned a lot by traveling the Department,
27 and I visited a drug treatment program at Baseline Camp in
28 Jamestown. This is a fire camp. And I talked to staff about

1 their thoughts of having a drug treatment program in the camp.
2 And the custody staff weren't very excited about it. Just kind
3 of, "We're here to fight fires. That's kind of in the way of
4 what we do."

5 So, I went out and I visited this program, and it
6 was supposedly a drug treatment program. But they had -- it was
7 24-hour a day reinforcement with those individuals: anger
8 management; how they work within a crew; deal with their drug
9 treatment; education. And it was the whole gamut of what it
10 takes to be successful.

11 And I asked the officer who was supervising that
12 crew, "What you think about the program?"

13 He says, "This is the best operating crew in this
14 camp. We're the highest -- this crew is the highest performer,
15 no incidents, and it's because they've dealt with some of those
16 issues that make them better inmates while they're here."

17 CHAIRMAN PERATA: The sheer numbers that you have
18 almost make that impossible; wouldn't you say?

19 MR. TILTON: Well, I think the issue for me is,
20 we're not going to turn. And I can't tomorrow say, "12 months
21 from now we're going to have 100 percent programs." First of
22 all, I haven't asked for the money.

23 But the strategy we're going to move forward is,
24 I'm convinced you've got to develop the environment for that
25 program. It can't be just go off to four hours of training, or
26 four hours of this. You've got to reconstitute the impact of
27 that, and it includes staff. This is the standards of how we
28 interact. I'm the role model for you.

1 So, we're going to identify, for example, I've
2 identified four or five prisons that I think have the cultures
3 that I can change. And we're going to pick areas where we can
4 do that to demonstrate: This is what it looks like in this
5 Department.

6 And I'm convinced. I've already seen the
7 results. When I tell people this is what I want to do, people
8 say, "Can I do? Can I do it?"

9 So, there is -- this is interest, but not
10 necessarily the capacity. So, we'll identify some examples of
11 what we're talking about to move these programs.

12 But I've learned a lot in the last 12 months
13 about what programs are or not. The expert panels, people
14 around the state have educated me and educated my staff. We're
15 going to have to learn this.

16 And the nice thing is, we don't -- we're not
17 walking in thinking we're the experts. We've asked for other
18 folks to come assist us in how we do this.

19 But I'm excited and challenged by it. But I'm
20 convinced in a short amount of time we're going to show what
21 works and use that to come back to you and say, "By the way,
22 invest more resources here, because we can prove to the state
23 this is an investment, not just an expenditure on program."

24 CHAIRMAN PERATA: You mentioned that the primacy
25 of your wardens, that they're really the shot callers in the
26 institutions.

27 When you set up a series of programs, are these
28 mandated? Does the warden get a chance to veto them and say, "I

1 don't want them here?"

2 How much latitude does the warden have?

3 MR. TILTON: I want to give all the staff
4 latitude. This won't work if I don't get buy-in from the
5 warden, and the custody person, the rank and file.

6 So, my strategy, and it's worked for me in the
7 past, is that you identify this is the problem, and this is what
8 I think the solution is. And you share that with those people
9 and let them have input in terms of what the solutions are.

10 Bottom line for me is, we're going to have
11 programs in prisons. We're going to change the culture of
12 supporting that, and we're going to find a way to match the
13 programs with that.

14 It's my experience once you make it a clear
15 expectation, and you give people a chance to get engaged in how
16 you do it, so it's just not done to them, they will get in line.
17 And I'll --

18 CHAIRMAN PERATA: I would infer from that, that
19 if they aren't interested in the program, they're probably not
20 going to be a warden.

21 MR. TILTON: I won't give you the details, but
22 I'll tell you the COMPSTAT process has led me to remove a
23 warden. And I -- I am very concerned about this Department
24 having a reputation for what I consider a kill mentality. You
25 make a mistake, and you get fired. And I don't like that.

26 The people need to understand, well, you're not
27 performing up to my expectation, and give them time.

28 Well, I -- I gave an individual time. And the

1 Department may not recognize this, but I tried to give that
2 person time. And after the fact that they weren't performing to
3 my expectation, I went and found another warden.

4 And I will do that in a fair fashion, I think. I
5 want to give people an opportunity to change their performance.
6 I don't care what you think; I care what you do.

7 But the reality of it is, is that this
8 Department, when I -- we had a different mission. When I walked
9 in the Department in 1980 with -- when Mr. Gomez hired me, a lot
10 of the same symptoms: Couldn't control your budget; couldn't
11 deliver, or whatever. And he taught me that if you bring people
12 together, give them authority, and hold them accountable, they
13 will start performing.

14 And I'm convinced that the employees of this
15 Department will do the same. They just don't understand the
16 clear expectation, and it hasn't been consistent.

17 If we do that, all these people will step
18 through. And to be honest, the few that won't, if they don't
19 want to be on the team and deliver what we're talking about,
20 then they'll have opportunities to deal with that.

21 But I'm confident that we can do this in a sound,
22 public safety fashion to demonstrate investment resources. It
23 won't be overnight, 60,000 people or 50,000 people, but we'll
24 make progress. We've already started.

25 CHAIRMAN PERATA: Let me take you next to the
26 strike teams, then, since it looks like they've been giving you
27 some people to give you a hand in how you're going to do your
28 job.

1 I don't understand this, straight up. When I
2 read the press release, it said basically that one of the strike
3 teams -- we have two -- one of the strike teams will reform
4 rehabilitation.

5 So, I brought a picture of Jesus, because I think
6 that's who you got.

7 Characterize the strike teams for us. You seem
8 to be relatively mild mannered, but you seem to know where you
9 want to go and how you're going to get there.

10 How do these strike teams work? How did they
11 come about and why? And how do they relate to what you're
12 doing?

13 MR. TILTON: Let me describe it a little bit,
14 because it's been evolving a little bit.

15 Basically, I asked for help. I says, especially
16 during this time, and AB 900's passing, and I have reservations
17 about my capacity and my organization's capacity to deliver
18 this.

19 I think someone quoted me as saying, "Be careful
20 what you ask for," because the Legislature gave me some tools
21 with some clear performance expectations.

22 And I had discussions with the Governor's Office.
23 I says, "I need some assistance. If the rest of the state just
24 treats me 'this is business as usual,' then I'm not going to be
25 able to deliver on these milestones."

26 And so, we had discussions about bringing in
27 folks who could assist me on that, and broke up into two areas.
28 The first was facilities. I lacked -- I doubted the capacity of

1 my organization to deliver on the capital outlay. And I
2 suggested people that they would bring together.

3 They brought that. The Governor's Office helped
4 me with identifying some other people. And it was interesting,
5 because the person got identified in the task force, and I had
6 not even thought about it before, a young lady by the name of
7 Deborah Hysen, who I worked very closely with when I was in
8 charge of Public Works Board and she was Chief Deputy of General
9 Services. And they put her on as the strike team head.

10 CHAIRMAN PERATA: And you hired her?

11 MR. TILTON: And I hired her as soon as I found
12 out she was there. I says -- we talked about it, and I says,
13 "You need to go off and do your work." She went off and spent
14 some time. I says, "Evaluate my organization. You need to tell
15 me what it takes to deliver this."

16 And she went out and did that. Told me: You
17 don't have the capacity. You're not going to be able to deliver
18 this, but here's some thoughts about how to do that. You need
19 to strengthen your organization; you need to bring some
20 consultants in to help you; and we need to break down the
21 barriers about business as usual on capital outlay.

22 And so she -- we need to bring Department of
23 Finance. We needed to bring General Services on the team to
24 assist us, so when we want to go do something, they are -- they
25 clear the way. Still be accountable. They clear the ways in
26 the process.

27 So, she issued that report, and part of that
28 report was to establish stronger structure in the Department.

1 And implementation of that report was for me to hire her and
2 develop a group. And so, she now has this strike team as an
3 adviser to her and me to assist in that.

4 And it's been very helpful in that when we've --
5 for example, we were struggling with modulars. We'd built these
6 modulars, but we were being told they have to come back through
7 the capital outlay process because they last longer than a
8 trailer. Had I gone and bought a cheap building, I could have
9 done it. Well, I didn't want to do that.

10 And so, through her efforts, working with
11 Department of Finance, we now have authority to go back and put
12 those in place. And it's a better expenditure of funds for the
13 State of California. And by the way, they're being built by
14 inmates. So, she's helped me there.

15 The program issue is -- is not quite as far
16 along, largely driven by the fact that we'd already started in
17 the Department an extra panel to give us some thoughts about
18 what programs worked for who. And so, the task force is taking
19 that report and using outside consultants, some of the same
20 people on the expert panel, is providing a recommendation how do
21 I deliver those programs.

22 As you can see, when I recommended that I'm
23 contemplating a third Undersecretary, it's the idea of, okay,
24 now if they get their product finished, it'd be helpful to have
25 that -- that task -- that strike team with the background,
26 they've worked on the other, come in and help me implement. If
27 you've got a recommendation, then fine. Let's accept your
28 recommendation and come in and help.

1 So that's where I think that'll evolve, to the
2 same kind of situation once they finish their work.

3 But what they provide is a focused attention,
4 because, to be candid, I fight fires everyday. My managers
5 fight fires everyday in this Department. I've had riots. I've
6 had hostage situations. And so, this is an ability to take some
7 people who will provide dedicated focus on an issue for a while,
8 and give me some advice about how to deliver.

9 So, I thank the fact that they've been
10 established. It's very clear that it won't work unless they
11 work for me. I mean, I'm the one that you're holding
12 responsible.

13 CHAIRMAN PERATA: That's the point that I was
14 going to get to.

15 They're appointed by the Governor, so how much
16 license does he have -- I don't mean him personally -- but I'm
17 talking about his people?

18 MR. TILTON: Well I think my view is they --
19 they're giving recommendations to me and the Governor. And the
20 fact is that the Governor's challenged me with addressing these
21 issues. So, there's no doubt in my mind who's responsible.

22 CHAIRMAN PERATA: Have you ever had any conflicts
23 between what they've suggested and what somebody else wants?

24 MR. TILTON: Not yet. But what I've been doing
25 is that I have -- my staff are on that group.

26 What I did three weeks ago was, to make sure I
27 wasn't inconsistent, is I created an action plan myself of what
28 things I was already thinking about doing to implement AB 900,

1 shared that with them.

2 We're developing one document, which is the
3 recommendations and actions around both the strike teams as well
4 as my efforts. And what we're doing is, we meet on a regular
5 basis. And what they're doing is taking those ideas and saying,
6 "No, we think we can work on these," and they're going to pick
7 up responsibility for that. I'll back off a little bit until
8 they do their work.

9 These other ones, they've told me. "No, you're on
10 the right track. Go do that." So, we have a -- we have one
11 process to track responsibilities and actions that both is
12 driving my management team as well as the strike team.

13 So, I think we are coordinated. They are
14 challenged with the report that's coming out to you this -- this
15 week, I think. So, they're going to go focus on that, while I
16 keep moving on some issues and get poised for when they come out
17 with recommendations.

18 CHAIRMAN PERATA: I'm assuming that under the
19 circumstances that you've described, actually both of you
20 described coming back here, that at some point if you weren't
21 able to do that job that you want to do, that you'd say, "My way
22 or no way."

23 MR. TILTON: Absolutely.

24 CHAIRMAN PERATA: Which brings me to the
25 Department of Finance.

26 It's been my impression just generally of the
27 Department of Finance, but specifically in some of the juvenile
28 things that we've been talking about, that it's being

1 financially driven as opposed to being either program driven or
2 driven off of a rehabilitation philosophy.

3 If things are tied up, they have not been
4 discouraged by the Department of Finance. Just hypothetically,
5 how do you make that happen, short of saying, "I'm going to
6 quit?"

7 I mean, how do we dislodge something like
8 that?

9 MR. TILTON: Well, if I go quit every time I have
10 a disagreement, I think I'd be gone a long time ago.

11 CHAIRMAN PERATA: Fair enough.

12 MR. TILTON: The reality is that I believe
13 performance is the goal. I think rehabilitation is local. We
14 need to assist in that.

15 So, the issue of the DJJ discussion that's going
16 on, I was very pleased last year with the decisions out of the
17 Legislature to give me the -- it's a lot, over 800 positions to
18 bring programs back, small living units back to the ward
19 population of this state. I'm convinced it was necessary. I
20 was convinced that without it, we were not doing good work with
21 those -- those youth. So, I was excited about that activity.

22 As we move down on these other fronts, though, of
23 identifying whether there's populations that can be dealt with
24 better locally, we've got some pretty strong, positive feedback
25 from locals that they think some of that population could be
26 handled.

27 So, that's what's made me so -- and we need to
28 open the door a little bit, because many communities said, "You

1 know what? With a little bit of money, we think we can provide
2 services to that population."

3 CHAIRMAN PERATA: We've actually heard from some
4 of the communities that said that "with a little bit of money"
5 might not be exactly what they had in mind. That's a
6 colloquialism.

7 MR. TILTON: Yeah, I understand. I understand
8 that.

9 CHAIRMAN PERATA: And DOF took them up on it.

10 MR. TILTON: I think 94,000 is a lot of money.

11 But anyway, my point is that that drove me to
12 rethink that issue because of that conversation.

13 Now, I do want to put on the table that the state
14 has done major reform in juvenile justice in this state. There
15 were 10,000 wards at the state level not too long ago.

16 And so, but I think what opened the door to that
17 discussion now -- you're right -- is, there's lots of discussion
18 going around on DJJ. And I'm -- I'm hopeful we can get a call
19 very quickly about what population is the responsibility of
20 CDCR, because I need to get back on track with the Farrell
21 recommendations.

22 You know we were moving to YTS, which is one of
23 my most difficult youth facilities, and that's where we were
24 going to drive our reforms at that facility. But given the
25 numbers we're talking about, there is some possibility that
26 would be the one we'd have to close. That makes me have to
27 regroup on the reforms.

28 Now, that doesn't slow us down drastically, I

1 think, because we do need to put programs, and the program
2 design in our plan --

3 CHAIRMAN PERATA: Bringing that up, and I used my
4 own little color marker here: Division of Juvenile Programs,
5 vacant; Division of Juvenile Parole Operations, vacant.

6 I worry about the juvenile population being
7 short-sheeted. And I think Senator Padilla and I have had
8 discussions about this population.

9 So, who's watching this?

10 MR. TILTON: Well, I think clearly -- I know Bud,
11 and I, and Mr. Warner pay a lot of attention to that. It had --
12 we have lost some good people recently on the DJ side, people
13 that I have the world of respect for in terms of their
14 capacities, and they've -- they've left.

15 What we basically have, and we've been out
16 looking -- and it's been difficult with this open question --
17 identified individuals that are moving forward for appointments
18 for those positions.

19 But the reality is, they've been vacant much too
20 long. And Mr. Warner needs all of our support, because he's
21 been trying to move some of these things forward.

22 So, it's one of the issues on filling these
23 positions, now that we've got some of these compaction issues,
24 we're out, trying to do that. I have broadened the horizon of
25 who would come to work there, meaning there are people who will
26 work for me and just ask, "How do you want to use me?" And
27 that's the process I'm going to have to work right now, because
28 -- to make sure they have confidence that they've got, you know,

1 a long lasting career.

2 CHAIRMAN PERATA: How would you characterize your
3 state of mind with regard to a probation chief, let's say, in
4 Alameda that wants to engage with you, wants to take some of
5 that population? Is it -- I hate the word "collaborative." Is
6 it some cooperative?

7 MR. TILTON: Yes, yes.

8 What I'm trying to demonstrate to the state, and
9 I think it's one of the traits. I'm probably one of the few
10 people that has had impact on the whole spectrum, to be honest.
11 When I was in Finance, I did from probation to courts, and I
12 dealt with those individuals. I know the sheriffs. They've
13 been -- I think in my fiscal side, and I dealt with a lot of
14 policy issues with some of your staff, that I was outside --
15 wasn't just a CDC person.

16 And if I can't demonstrate that this is a
17 statewide issue, not just a CDCR, and demonstrate to communities
18 that this is a partnership, then I will fail.

19 And so, absolutely. Whatever assistance, and
20 collaboration, cooperation we need to get with local government.
21 Again, these are individuals that are going to be in
22 communities. And we need for the community in all aspects,
23 program as well as custody and the police, to get connected with
24 us.

25 It doesn't do any good for people to be in the
26 prison, and all of a sudden they come up at the bus depot, and
27 that's the first time people know, whether the program side or
28 custody, and the more collaboration.

1 San Diego is doing something that I think is very
2 exciting. San Diego has identified people who are coming in the
3 prison system. And the court system and the county is sending
4 them to me with a prescription for program, SB 618. That's the
5 model. And they're going to hold me accountable, I assume, for
6 providing programs for their citizens. And we will work with
7 them as they work through the process. And then, when they come
8 back out, the expectation is they get handed off back to the --
9 to the county.

10 Now hopefully, that'll be it. But the most -- a
11 lot of times these people will come back to the system.

12 We need to keep building on these tools. Even if
13 the person commits a crime and has certain skills, we need to
14 keep building on those skills, so maybe the next time they come
15 out, they're better.

16 And so, that requires a continuity of services
17 and communication with local probation.

18 And to be honest, if these programs work for a
19 person who's prison -- who's in prison to make them successful,
20 what happens if we do it before they come?

21 I spent -- I don't want to belabor this answer,
22 Senator -- but I spent a day in L.A. County the first month I
23 was here. The Police Chief was complaining about I was doing a
24 terrible job supervising our parolees in L.A.

25 So, a lieutenant and I spent a half-a-day on skid
26 row. And this stuck with me as probably more fundamental than
27 anything I've learned in the last -- this last year.

28 We sat down, and we saw kids that were 18 that

1 I'm convinced probably just got kicked off foster care, no place
2 to live. They've got their backpack.

3 I saw people who clearly had drug problems,
4 mental health, whatever. Families just down their luck.

5 And my observation when I got back to the police
6 precinct was, you know what? We have a problem here. We have
7 individuals who need assistance, and some of them may be my
8 parolees.

9 Why don't we find a system to provide assistance
10 to these people, and I'll pay for mine, and you pay for yours,
11 and we'll just have a better system.

12 I have 40 prisoners in the -- I had. They're not
13 there now. I had 40 inmates in the prison system who were there
14 only because they couldn't get mental health.

15 And you talk about the role of parole agents. I
16 had parole agents who were trying to get them services and
17 couldn't. So what they do? Instead of putting that person
18 under a bridge, they brought them back to the prison.

19 That's a sad statement for me as a taxpayer of
20 California, that the prison system is not the program of last
21 resort. In that case, it was the service of first resort.

22 Now, I asked my attorney, "Is that legal?" He
23 says, "No, you've just violated their Constitutional rights.
24 They didn't commit a crime, and you've locked them up in your
25 prison."

26 Now, my first reaction was to go get them out of
27 the prison system. Didn't do that. With Mr. Prunty's
28 assistance, we took about 90 days to link them into programs,

1 and working with communities, and with Dr. Mayberg and stuff.

2 But the idea that those individuals couldn't get
3 mental health services in the community, and someone thought it
4 was good to send them to prison, that stuck with me. And I
5 think that is one of those fundamental things. We've got to --
6 we've got to find a way to change that.

7 Now, there are people on the streets that I see
8 on parole that I've talked to. I've gone out with agents, and
9 I've asked the agent, "You need to find a way to get that person
10 back into prison as fast as you can."

11 I met two sex offenders in L.A. And they didn't
12 understand the problem. And we'd had GPS on him. We found out
13 they were down by the beach.

14 So, we interviewed the person to what did he see,
15 what did it look like, what's, you know, what was the
16 environment if you were down there? And if he didn't describe
17 it, what we saw, guess what? He was coming back in.

18 He didn't understand what was all the fuss about.
19 And why was there a problem of him out looking for kids on the
20 beach?

21 You know, those are the kind of individuals we've
22 got to identify and keep a close eye on them.

23 And so, that's -- those are some of the thoughts.
24 I think they're kind of a random comment to you, but I think
25 it's clear this whole -- this whole system has to be looked at
26 and decide where are proper services and program. Many times it
27 should be local with our assistance. Maybe I do need to bring
28 some people up into the prison system that I can do a better job

1 of handling.

2 CHAIRMAN PERATA: Oh, you want a break? We're
3 going to take a 10-minute break.

4 [Thereupon the Committee
5 took a brief recess.]

6 CHAIRMAN PERATA: Okay, we're going to reconvene.
7 Senator Padilla.

8 SENATOR PADILLA: Thank you.

9 Before I begin with my questions, I just want to
10 thank both of you and commend both of you for your willingness
11 to step into this Department at this time.

12 As the Pro Tem mentioned, it's not only an
13 important time, but certainly a challenging time for the
14 Department and for the state, and it's a tremendous
15 responsibility.

16 That being said, we were discussing the general
17 area of juvenile justice before we broke. I just sort of want
18 to continue on that, and maybe ask the first question in the
19 context of the new sort of organizational structure. There's
20 been some reorganizing in the Department.

21 How is it working? How is it not working?

22 You both have many years with the Department, and
23 have a perspective not just of today but of the past.

24 MR. TILTON: I can start the answer, then Bud can
25 step in.

26 I'm very sensitive to the issue of separation of
27 DJJ, and not getting it overwhelmed by the adults. And I'll be
28 candid that personally, right now, I have a lot of confidence in

1 Chief Deputy Warner, and that effort. And I have been spending
2 a lot of time on the adult side.

3 But I've also found -- so I've kind of let, okay,
4 arm's length a little bit from the organization from DJJ. I did
5 redirect 15 positions to provide more administrative support
6 for him.

7 But also, when I walk DJ facilities, I see
8 policies that bother me within DJJ, that I think I have policies
9 on the adult side that are better. An example I can give you is
10 the policies we have on -- on the DJJ side of who goes into
11 camps. Some of the -- I was not pleased. We had an escape,
12 and I was not pleased on the DJ side of our emergency response
13 procedures, for example.

14 So, I've come to the conclusion that we need to
15 keep them separate. We don't need to blend them into the rest
16 of the organization.

17 But when I start talking about establishing of
18 policies and procedures and audit, I need to take some of those
19 same tools and go across the whole organization in terms of
20 management accountability.

21 And so, I think there are situations that I want
22 to -- I'm very much insensitive [sic] and I agree that, you
23 know, there're 2,000-2500 wards, and 170-some-odd-thousand. I
24 need to keep that a separate organization, and always keep
25 mindful of the distinctions of that.

26 But also, when you talk reforms and programs,
27 boy, if we can't do it for the kids or the wards, we're really
28 losing the game.

1 So, I know Mr. Warner is very much trying to get
2 connected with probation and communities to make sure that we do
3 the same things we're talking about on the adult side, of a
4 continuity of services.

5 So, the reorg is there. But also I found there
6 were complaints when I got there that certain support services
7 are not being provided to DJJ. When I went and looked and found
8 out that they weren't there before, either. In other words,
9 there were -- the only agents -- the Department of this agency
10 that did not live within their resources in my tenure at Finance
11 was the Youth Authority.

12 So, I think it's mindful, it's -- the fact that
13 the Legislature pushed back and kept it separate -- it has its
14 own Chief Deputy that's tied very much to my executive staff,
15 meets with me on a regular basis, meets with Bud on a regular
16 basis -- was a good thing. So, I think it could have been
17 rolled over into the situation --

18 SENATOR PADILLA: That made me lead into my next
19 question, which is, God knows there is a lot of mandates,
20 outstanding federal lawsuits calling for change and improvements
21 in the Department.

22 How do you not lose sight of the juvenile
23 component? How does that stay a priority, given all the needs
24 and emphasis elsewhere in the Department?

25 MR. TILTON: I think it's by the fact that we
26 don't -- they're not side light to my executive team, that
27 they're with me on a regular basis. I meet with Bernie once a
28 week. He meets with Bud more often, and we keep that focused.

1 But my challenge, and this is more my management
2 style, I have a management style of being pretty much in your
3 business for a while to make sure I feel comfortable that you're
4 on the right track. And then I put performance expectations and
5 monitoring.

6 All that monitoring isn't in place yet, but my
7 management style is to get good people, have clear expectations,
8 make sure they -- if they had needs, I address their needs so
9 that when I give them an expectation it's matched by resources,
10 and then go perform, and I'll monitor. That's my style, and I
11 will put that into the whole organization. It doesn't matter
12 whether it's adult, or DJJ, or paroles.

13 I don't have it there yet, and I'm putting it in.

14 So, I think the fact that it's a separate Chief
15 Deputy that has responsibility for all of the DJJ is what will
16 make it have its own independence. And I haven't done my job if
17 I don't hire a leader of that organization who will get in my
18 face if I'm not getting -- if he's not getting the proper
19 support.

20 SENATOR PADILLA: If you're suggesting that
21 Mr. Prunty is more of a day-to-day person on this, let me
22 address the next question to him.

23 I'll preface it just by recognizing that it's
24 been brought to our attention that the Stark Youth Correctional
25 Facility in Chino was slated to be one of the first facilities
26 that converted to the new model. Meanwhile, we've learned that
27 the Stark Facility may be closed during the next fiscal year
28 based on the proposal to send more juveniles back to counties.

1 How do you resolve those two very contradictory
2 statements? How do we redefine a facility when we're in the
3 process of anticipating a closure?

4 MR. PRUNTY: Well, that's been the biggest
5 dilemma for moving forward with DJJ.

6 Certainly the Farrell court suits bring six
7 remedial plans to play against the juvenile justice facility
8 which are huge in their magnitude.

9 And they did have a significant plan, or a
10 specific plan to begin with their reforms with Stark, with the
11 -- the decision, or the uncertainty about what the population
12 would look like. And I believe it is still uncertain. The role
13 of DJ -- Stark and DJJ, I don't think, is yet defined. Is it
14 actually going to close, or how much of it? And that's put a
15 real difficult role for Mr. Warner, and for me, and for that
16 Department in order to move forward.

17 SENATOR PADILLA: So how are we as a Senate to
18 ensure the proper oversight and accountability when, on the one
19 hand, you're supposed to implement reform, but on the other hand
20 you have this uncertainty?

21 MR. TILTON: I think conference committee
22 recently took action to modify the administration's proposal,
23 which was take a population, stop intake, and take that existing
24 population and move it to -- to the counties.

25 The recent decision by the conference committee,
26 I think, hopefully it'll stand, is to phase it in, and also ask
27 us to come back in October with a realignment of those reforms.
28 So, we will do that.

1 There's a pot of money there that's -- as part of
2 the package which is there for us to use for facility
3 modifications, which we clearly will need as part of the reform.
4 So, we're going to go back. We have some thoughts we're working
5 on. We have some ideas. So, we're going to go back quickly and
6 answer this question officially for the Legislature, run it back
7 out.

8 So, you're right. We were headed for YTS. It
9 clearly looks like these numbers are big enough that long-term,
10 the likelihood is that may be a facility that we close, but we
11 need to come back and provide a specific response to your
12 question. And we've asked -- been asked to do that by the
13 conference committee by October. So, we will retool.

14 But again, my comment is, we have been laying out
15 policies and procedures for the change. So, it's not like: so
16 now we will move those over. But the whole Department is being
17 trained on what the new thought process is. And it's just a
18 matter of where do we do the modifications to the physical
19 plants, and some of those things. We'll have to move that.

20 SENATOR PADILLA: Another question for
21 Mr. Prunty.

22 In previous hearings of the Rules Committee for
23 other Corrections personnel, we received somewhat mixed messages
24 as to who's ultimately responsible for programming.

25 And I apologize if this was touched on while I
26 was out of the room earlier.

27 Can you provide us an answer as to who it is? Is
28 it the warden? Is it the head of programs? Who do we look to,

1 hold accountable?

2 MR. PRUNTY: I admitted very publically early on
3 that I held the wardens personally responsible for
4 implementation of programs, and that has not changed.

5 However, the whole purpose for reorganization of
6 the Department and creating the entity that is Adult Programs
7 was to emphasize that, and it was staffed with a Chief Deputy
8 Secretary on equal footing with the Operations. That was a
9 major change for the Department because the programs used to be
10 within the operations.

11 So, my comment is simply this. There was
12 confusion. It's -- it's much clearly -- more clearly defined
13 now. The Chief Deputy Secretary for Adult Operations is
14 responsible for identifying evidence-based programs, for
15 resourcing those, for directing those, and for evaluating
16 those.

17 Now, she works -- I say "she," Marisela Montes is
18 in that position. She works cooperatively with the Chief Deputy
19 Secretary for Operations, Scott Kernan, in order to implement
20 those.

21 It is -- it's much like a corporate model. I
22 think I said that in the response to the questions.

23 That Chief Deputy Secretary for Adult Operations
24 is responsible for identifying evidence-based programs. The
25 Operations side, through the Chief Deputy Secretary and the
26 Regional Administrators, both for -- I mean, for -- they're
27 called ADs now, pardon me. The Associate Directors for the
28 Institutions side and Regional Administrators for the Parole

1 side, for implementing those programs that are identified by the
2 Chief Deputy Secretary for Adult Operations.

3 SENATOR PADILLO: What's the state of confusion
4 or clarification on the juvenile side?

5 MR. PRUNTY: Juveniles, and this reorganization
6 specifically addresses the adult side.

7 The confusion has not existed to the same degree
8 with the Juvenile Division, because both the Operations and the
9 Programs are under the direction of the Chief Deputy Secretary
10 for the Juvenile Justice.

11 SENATOR PADILLA: Mr. Tilton, when we met earlier
12 in the week, we talked a little bit about COMPSTAT.

13 And as you know, prior to my arrival in the
14 Senator, I spent seven-and-a-half years at the City Council of
15 Los Angeles, where I had the pleasure and honor and
16 responsibility of both interviewing now-Chief Bratton, but also
17 working with him. So, I know -- I'm maybe not an expert, but
18 better than most -- about what the COMPSTAT model is all about.

19 Can you share with the Committee your experience
20 with COMPSTAT? How we're using it as a tool?

21 MR. TILTON: I can. It's -- the COMPSTAT
22 basically is a laying out of performance measurements and
23 tracking data on that performance.

24 And I learned from Chief Bratton that this is
25 basically an inspection of that manager. And we are moving
26 towards that model. For example, there are consequences if you
27 don't have demonstration.

28 What it amounts to is, there's data. Every six

1 weeks, we bring managers up. We start looking at the
2 performance, whether it be due process, whether it be inmates in
3 program, whatever it may be, and then question them on that
4 data.

5 For me, and I sit on many of those, not all, it's
6 an issue of demonstrating that that manager is on top of the
7 issues. And I learned this from Chief Bratton and watching his
8 situation, where if a person starts -- is answering the
9 questions, and you can tell that they've drilled down, they know
10 what's behind these stats.

11 It's not just stats. For example, if there're
12 incidents, they know whether they're being driven. In the
13 housing unit is a particular staff, different inmates, what's
14 causing those issues.

15 And my view is, when they start demonstrating
16 that capacity, we're kind of done. We know that. And I also go
17 back to those institutions to make sure it's down below, not
18 just a paper process.

19 We have on that at the same time those
20 individuals for when the wardens are there, it's the warden. We
21 also have the administrative people, because if an issue comes
22 up, we want to make sure that the support is being there,
23 provided for that -- for that warden.

24 Now, this process requires -- it's an ongoing
25 process. It has to be day-to-day activity, otherwise it won't
26 be meaningful. If it's just a matter of sending stats to
27 Headquarters, it won't be meaningful.

28 So, it's a matter for us to clarify expectations

1 of performance and monitoring. And if people aren't performing,
2 or don't demonstrate that they're really using this to manage
3 their authorization -- operation, and just spend all their time
4 in their office, kind of for example, it comes out. You can
5 tell in that drilling whether the person really is on board with
6 the issues.

7 Chief Bratton has been very helpful to us as we
8 evolve this model. And as he describes to me, it's an evolving
9 issue. As you see issues come to light as problems, you may
10 then add them to the stat -- to the statute track. If you think
11 they're being solved, you may still track them, but not
12 necessarily at my level.

13 So, it's an evolving thing. Just say, okay, what
14 are the hot buttons in the Department? Use COMPSTAT to measure
15 that, and then it will also provide a clear expectation that
16 everybody sees as a public document, and it clarifies the
17 expectations.

18 SENATOR PADILLA: I'll come back to that point in
19 a second of how it evolves.

20 Let me just ask you first for a couple of
21 examples of how the COMPSTAT process has led towards maybe a new
22 strategy, a new approach, performance, accountability, for the
23 better or for the worse?

24 MR. TILTON: I'll give you one, and it's probably
25 one of the most difficult issues for this Department to address,
26 which is: How do we maintain safety of the institution?

27 And an example came up as one of the stats we
28 track is, how often and how many inmates are locked down?

1 And it brought to our attention an institution
2 that was locked down it seemed like too long, and it was having
3 struggles getting back to program. Granted, there are going to
4 be issues, there'll be incidents that cause people to kind of
5 lock down until you get a handle on it, but we had a feeling
6 that that institution wasn't doing as much as they could to
7 unlock and get inmates back to programming.

8 So, we started focusing on that institution. We
9 sent people down. Bud sent a team down to evaluate what was
10 going on, and it came out with a strategy of how do we help that
11 institution maybe rethink their process of managing that
12 population as well as doing some things. And they moved -- they
13 moved that institution to a more of an unlocked situation.

14 I had another situation where I felt there were
15 due process issues of inmates. You know, late appeals, a lot of
16 appeals. And I didn't feel that the warden was on top of them.
17 That here was information that should have been a measure of how
18 is your institution doing, and what are you doing to follow-up
19 on that. And when we followed up on it, we found out that the
20 reason they weren't being addressed is, the warden wasn't
21 focusing on the issues.

22 So, some of this is a matter of providing
23 attention to issues that they're not, to make sure there's a
24 balanced approach. But also we're finding that people have
25 promoted in this Department without necessarily getting some of
26 the tools they need, what I consider basic Corrections 1A, and
27 accountability.

28 Bud's been very helpful in terms of trying to

1 identify those, and we're trying to figure out, well, how do we
2 not just deal with that one person? It's a systematic issue, so
3 it's flagged a couple of things we have about what our
4 expectations of performance accountability for staff and
5 inmates. And it's -- right now, it's flagged some deficiencies.

6 We don't quite have all the fixes, but it
7 certainly has -- has enlightened us a little bit more towards
8 that.

9 SENATOR PADILLA: I'll come back to COMPSTAT in a
10 minute, but I want to jump to the issue of contraband, and
11 specifically cell phones.

12 Again, as we discussed earlier in the week, I
13 forwarded to you a letter about a week-and-a-half ago about the
14 growing threat of cell phones in our prisons.

15 Last month, when we were considering confirming
16 Associate Director Kane, he shared with the Committee that more
17 than a thousand cell phones and even Blackberries had been
18 confiscated in our prisons.

19 In my letter to you, I expressed that I see these
20 cell phones, particularly in the hands of maximum security
21 inmates, as a clear and present threat to the safety both in the
22 institutions and to the public at large.

23 Both Associate Director Kane as well as Giurbino
24 expressed very real concern as well.

25 And while we had a chance to discuss the issue
26 earlier in the week, I wanted to have some of this conversation
27 publicly, beginning with when can I anticipate responses to the
28 questions I asked in that letter?

1 MR. TILTON: Yeah, it's on its way back to you.

2 A couple comments for you, though. It is a
3 significant problem, and not just in California, around the
4 nation. I spent last weekend with my peers from around the
5 country, and that was one of our topics there.

6 We have one institution, for example, down in
7 Solano that we have -- I just looked at a period of -- I can't
8 remember the period, but we had over 600 phones that we found,
9 over 300 of those were at Solano.

10 Now, we need to track what's bringing them in,
11 whether it's visitors or staff. But I do know in that
12 institution we caught staff bringing them in.

13 But it's a very difficult issue, and especially
14 what I read in the paper this morning about these new Apple
15 phones. That's a computer, folks. And inmates are
16 sophisticated. It wouldn't surprise me to find out they're
17 shipping in parts and putting them together. So, it's a real
18 issue.

19 I've been communicating around the country. We
20 have two or three pilots in place that we're we working on.
21 There's -- the federal system has a pilot going on of one
22 technology. We -- we've communicated we have a different one
23 we're trying, so the real issue is trying to find technology to
24 do this.

25 National Institute of Corrections is concerned
26 about it, and we're working with them with how do we find a way
27 to identify this equipment.

28 So, it's -- it's a very real issue. And as it

1 grows, it'll be even more, more serious, because you're right.
2 You could access now a -- you can access a computer. You could
3 do -- whatever you can do on a computer, you can do on a phone
4 now.

5 SENATOR PADILLA: So, the numbers, more than a
6 thousand, recently 200 at one facility alone.

7 We were talking about COMPSTAT, and how that
8 sorts of evolves to catch new issues.

9 Should the tracking of cell phones in prisons be
10 added to your COMPSTAT analysis?

11 MR. TILTON: Well, when we talked about it, we
12 said we'll go back and talk. But there's two -- two layers of
13 COMPSTAT. One is that information that's tracked at my level,
14 and that level that's tracked at the Deputy's level.

15 So, we're going to go back and raise that, who
16 should be accountable, and does it need to come up to my level
17 or not? But I want someone tracking it and demonstrating
18 success.

19 So, based on our conversation, it was a good
20 example. We talked about that it came up. I -- well, you're
21 right.

22 We will track it. The issue is whether it's
23 COMPSTAT or some other process. But absolutely, that's the
24 problem right now, and we need to track it, because it could be
25 escalating.

26 SENATOR PADILLA: Any immediate recommendations on
27 what we could be doing, should be doing, to help you further
28 enforce this? Or what you need to be doing internally to crack

1 down on cell phones in prisons?

2 MR. TILTON: There's two issues. Whenever you
3 have contraband, the issue is try to -- try to prevent it from
4 coming again, and also find it.

5 So, my reaction to the issue right now, because I
6 know the wardens have talked about it, is we're doing an extra
7 effort trying to find them. Now, we don't know whether we're
8 catching them all, because we're finding a lot, part of the idea
9 that we find over 600 in a short period of time. So, we know
10 it's there.

11 We -- normally this kind of process is two
12 things. One is refocus our attention to be looking for them as
13 people come in and out of the institution. Do a better job when
14 we do sell searches. As you're aware, we do cell searches all
15 the time, looking for those kind of things, to keep ourselves on
16 the alert on that issue.

17 From my point of view, if we can find some
18 technology that's not too expensive --

19 SENATOR PADILLA: Funny you should mention that.

20 I mean, when I asked the same question to the
21 Associate Directors a few weeks ago, the responses were
22 basically, we need to make the penalties tougher. Right now if
23 it's a visitor, they lose their visitation rights. If it's a
24 personnel, someone, a member of our personnel, then they lose
25 their job.

26 But that's all predicated on finding them, as you
27 said. That's the challenge.

28 I mean, any member of the public who comes into

1 this Capitol has to walk through a metal detector. Any of us
2 who fly a commercial airplane in the United States, or anywhere
3 in the world, has to go through a metal detector. To go to any
4 significant sporting event nowadays, we're going through metal
5 detectors. We're searched. Our bags or purses and pockets are
6 searched.

7 Is there not an equally strict search or metal
8 detection infrastructure for visitors in our prisons?

9 MR. PRUNTY: For visitors, yes.

10 We have not required our staff to all be
11 processed through the metal detectors. And the statistics show
12 of the cell phones found -- and by the way, it isn't a thousand.
13 It's about 550, somewhere in that range, but it seems it's an
14 awful lot -- two-thirds of those were found at one institution,
15 and we found that that was probably the product of a particular
16 individual.

17 We probably need to take a look at that, at our
18 policies and how we do screening for everyone that comes inside,
19 because there is evidence that some of our own staff --

20 SENATOR PADILLA: I was going to say, and you say
21 for everyone that comes inside.

22 The question I asked had to do with the visitors;
23 the follow-up was with personnel because --

24 MR. PRUNTY: Yes.

25 SENATOR PADILLA: -- again, Associate Director
26 said it's not just visitors that's the problem; it's our own
27 staff.

28 So, does staff have to go through the same level

1 of detection and search?

2 MR. PRUNTY: As of today, no, sir, they don't.

3 SENATOR PADILLA: Should they?

4 MR. PRUNTY: If we're going to detect contraband
5 up to the highest degree -- and as you mentioned, everybody that
6 comes into this building certainly has to go through a metal
7 detector -- that policy certainly needs to be revisited. And I
8 would suggest that it's -- it's not a bad policy to pursue.

9 SENATOR PADILLA: So, that's something that we're
10 thinking about revisiting, or in the process of revisiting?

11 MR. PRUNTY: Frankly, Senator, I haven't
12 considered it until just this minute. We had a conversation
13 earlier in the week about the cell phones.

14 We've done a lot of research in the interim in
15 terms of determining how we can detect that. Part of it is
16 detection. And obviously, the first line of defense is homing
17 in on our institutions.

18 SENATOR PADILLA: And know that I ask this
19 question, I'm on this issue, both out of the concern for the
20 fair treatment and safety of the inmates, and especially the
21 staff at these facilities, sworn correctional staff and
22 nonsworn.

23 Back to where we have found cell phones, can you
24 give me the top three facilities? You keep mentioning Solano,
25 Solano, Solano. Any other facilities where this has been a
26 bigger problem than at others?

27 MR. PRUNTY: Senator, I wish -- I can, but I
28 can't do it right here. We have the complete, laid out by

1 institution, by month, over the last twelve months.

2 Solano obviously jumped out at us because the
3 number was so large.

4 SENATOR PADILLA: That would have been a blip on
5 the COMPSTAT screen?

6 MR. PRUNTY: Yes, sir.

7 At any rate, I can produce that. It is in the
8 response coming back to you in that detail.

9 SENATOR PADILLA: Okay.

10 MR. PRUNTY: There are -- I think the closest one
11 to that is probably 20 over the last 12 months.

12 Some of them, there have been no discoveries
13 inside, and that brings the question: Are there none inside, or
14 are we not finding them?

15 SENATOR PADILLA: Do we have a sense yet, and
16 maybe it varies facility by facility, of the ones that we have
17 found and the source has been discovered, whether it's a
18 personnel source or a visitor source of these cell phones?

19 MR. PRUNTY: We have discovered -- we have
20 discovered some staff members that have been responsible for
21 bringing them in. And the results of those are, through the
22 investigations and the actions we're taking against those staff
23 members.

24 Unfortunately to this point, the majority of the
25 contraband, cell phones have been found inside through our
26 searches and our intelligence development. Many of those are in
27 what we refer to as common areas that we cannot attach to a
28 particular individual. And we are -- we are not yet certain

1 exactly the -- the process in which they were brought through.

2 So, I -- the numbers are accurate in terms of the
3 ones we found. How they got there, we are yet to --

4 SENATOR PADILLA: If you find it in a common area
5 and you can't, by observation, attach it to a specific inmate,
6 how serious of a threat do we consider the presence of a cell
7 phone or a Blackberry?

8 I mean, I have to imagine there are techniques
9 with which we can do some investigation --

10 MR. PRUNTY: And we are.

11 SENATOR PADILLA: -- and try to apply it to a
12 specific inmate.

13 I mean, fingerprinting for one. You know, the
14 last number called for another.

15 MR. PRUNTY: And as a matter of fact, that is how
16 we -- we tied some of those cell phones that were -- that we
17 recovered to those that were involved in some kind of criminal
18 activity. We have done exactly that.

19 SENATOR PADILLA: And does that help in tying
20 cell phones found in common areas back to a specific inmate?

21 MR. PRUNTY: In some cases, yes. In all, no.

22 SENATOR PADILLA: In the cases that that has been
23 the case, do we then conduct interviews and further
24 investigation to track how this cell phone got into the prison?

25 MR. PRUNTY: In some cases, that's how we
26 identified how the cell phones got in there; yes, sir.

27 SENATOR PADILLA: And so again, the question I
28 asked a minute ago, do we have a sense yet for how much it

1 varies from facility to facility as to whether it's the
2 personnel bringing the phones into the prison, or it's visitors
3 bringing the cell phones into the prison?

4 MR. PRUNTY: I cannot tell you how many can be
5 attributed to visitors. I don't -- we haven't been available to
6 determine that yet.

7 We do know of the ones that we were able to
8 investigate, the majority were brought in by staff.

9 SENATOR PADILLA: I'd be interested in additional
10 information as you compile it.

11 MR. PRUNTY: Yes, sir.

12 SENATOR PADILLA: I think we talked about
13 establishing a standard process for data collection and
14 reporting of these statistics.

15 Are you aware of how contraband cell phones, and
16 this may be a question for both of you, how the contraband cell
17 phones have been used to coordinate riots and other acts of
18 violence, in other countries such as Brazil?

19 MR. PRUNTY: We've done some research on that
20 recently, yes. And we -- I think in your letter, as a matter of
21 fact, you were kind enough to share that with us. So we are --
22 we are --

23 SENATOR PADILLA: Any preliminary observations or
24 information from your research that you can share with this
25 Committee.

26 MR. PRUNTY: I'm sorry, the --

27 SENATOR PADILLA: Anything from looking into the
28 Brazil case that you can share with this Committee?

1 MR. PRUNTY: Well, beyond what you've shared with
2 us, Senator, no.

3 But I can tell you from your information that the
4 cell phones in those facilities were used to coordinate riots at
5 a variety of institutions and created significant enforcement
6 problems for the criminal justice system there.

7 SENATOR PADILLA: Right, and simultaneous --

8 MR. PRUNTY: Yes, simultaneous.

9 SENATOR PADILLA: -- riots, I might add, both in
10 prisons, a number of prisons simultaneously, as well as civil
11 disruption in public.

12 So my question is, can we anticipate something
13 along those lines happening here in California?

14 MR. PRUNTY: I think our inmates are as ingenious
15 and capable of doing that as any.

16 Have they done it to this point? No. That does
17 not mean it could not happen at any time.

18 MR. TILTON: Senator, a comment.

19 You brought this to our attention. We looked at
20 it. This is a very serious issue. We struggle right now with
21 trying to track down communications between inmates in the
22 prisons, and it's very clear that they're communicating. It's
23 very clear that there's a pretty good communication, better than
24 mine I would guess, within the inmate population, between
25 facilities, on the streets, and back in.

26 It's a major issue for us to start paying
27 attention to, if we're going to get control of these prisons.

28 It's -- the Governor's reform on gangs is one of

1 those steps to try to do a better job of data collection of
2 what's going on so we can communicate that, not only within the
3 prison system, but -- but the streets.

4 So, this is a very serious issue. You can just
5 imagine, we talk about terrorists using the Internet.

6 SENATOR PADILLA: Right.

7 MR. TILTON: Guess what? We have those same type
8 of individuals in our prison system. So that's -- we take it
9 very seriously.

10 And you -- I'm going to just put down, you've
11 asked us a question we're going to follow up on, because the
12 issue of -- your attention to this issue, we appreciate. And we
13 need to keep working on it.

14 And we'll be glad to communicate as our -- as we
15 work through this issue. And especially not just us, but
16 working with local law enforcement and the rest of the country,
17 because this really is popping up as a very significant issue.

18 SENATOR PADILLA: I'm glad you're getting the
19 sense of urgency that I feel, the more that I read and learn
20 about this.

21 You know, some would argue that cell phone use in
22 prisons is related to the high cost of land line collect calls
23 from prison to inmates' families. It's been an issue for many
24 years. I know that the state's essentially placing an
25 additional finance burden on families of inmates by applying the
26 surcharges to collect calls.

27 I'd like to get your thoughts on the issue, the
28 structure of the current contractor agreements with the phone

1 companies, and if there's any plan to change the policy, or the
2 contract, or address the issue more broadly?

3 MR. TILTON: Well, I'll just tell you that 20
4 years ago, I made a run at this issue, not successfully, when I
5 had the process of trying to automate the inmate accounting.
6 And what I was suggesting is, why don't we do a direct charge?
7 Why are we taxing families to make -- talk to their inmates.

8 I lost that battle back then, and it became a
9 General Fund revenue source.

10 When I got back, I asked the question, I says,
11 well, it's a little better. At least we've capped -- capped the
12 revenue, but I still had a sense that from a program standpoint,
13 if I want to connect inmates with families, why are we making
14 the families pay extra to do that?

15 I'm pleased with the action of the conference
16 committee, which says we're going to phase it out over four
17 years. I do think that if we want to integrate people back into
18 the community, we have to find ways to have family ties.

19 And just that, a tax on a family to accept a
20 collect call, the most expensive call that can be made, doesn't
21 make sense.

22 So, I'm pleased that -- hopefully, the
23 administration will accept that recommendation.

24 SENATOR PADILLA: Do you know what that dollar
25 figure is on an annual basis in our budget?

26 MR. TILTON: It got capped at 27 million, I think
27 is the right number. At one time, it was heading up above that
28 20 years ago, so at least they had a process to cap it.

1 SENATOR PADILLA: And the phasing out over four
2 years, is it going to stay the same over the four years and then
3 just disappear, or are we going to --

4 MR. TILTON: No, I understand the proposal --

5 SENATOR PADILLA: -- to scale it down?

6 MR. TILTON: -- to scale down over four years.

7 But it basically turned into a General Fund
8 revenue issue versus a programmatic issue.

9 CHAIRMAN PERATA: It's funny how that happens.

10 SENATOR PADILLA: I know we've been talking about
11 a variety of court mandates on the Department earlier in this
12 hearing, health care just being one subject area.

13 There was a federal hearing earlier today. How
14 did that go?

15 MR. TILTON: My understanding is that the two
16 judges took the -- under consideration and said they would get
17 back, and did not make a decision. So, they took testimony both
18 from the state as well as other individuals and said they would
19 have to take it under submission.

20 SENATOR PADILLA: There was no sense of whether
21 it went well, didn't go well?

22 CHAIRMAN PERATA: Greg Maddux was pitching. They
23 wanted to watch him at 1:00 o'clock.

24 MR. TILTON: Yeah.

25 What I heard from folks is, it's not surprising.
26 The judges took the testimony and didn't kind of hint where they
27 were going.

28 So, I think I continue to hope that they give us

1 time to implement our programs.

2 But I also take this as the same response I've
3 gotten from Senators and the Assemblywoman: People, you'd
4 better start delivering. And so, I think that's -- that's the
5 message I heard.

6 CHAIRMAN PERATA: Yeah, I think that's the
7 message.

8 I'm going to have to step in front of this
9 because we're going to have terminate the discussion for today.

10 We didn't realize with when we decided we'd come
11 back in next week that you won't be here. Or, you'd be here and
12 you wouldn't have a wife.

13 [Laughter.]

14 MR. TILTON: Right.

15 SENATOR PADILLA: That's why she's here.

16 [Laughter.]

17 CHAIRMAN PERATA: I saw her head snap back when I
18 said next week, so --

19 MR. TILTON: If I have to make a choice, I'll
20 keep the wife.

21 [Laughter.]

22 CHAIRMAN PERATA: So, we're going to reschedule
23 or continue it on the 11th of July, which is our regular Rules
24 day.

25 What I'd like to do is, since there's no reason
26 to keep you hostage, Bud, I'd like to go ahead and accept a
27 motion to approve of Mr. Prunty's appointment.

28 He won't care.

1 MR. PRUNTY: I know, but I do.

2 CHAIRMAN PERATA: Really?

3 MR. PRUNTY: Yes, sir. I came here for Jim
4 Tilton, and if you're going to hold him over, I'd just as soon
5 you wait and make the decision then on me as well.

6 CHAIRMAN PERATA: It's fine with me.

7 MR. PRUNTY: Thank you.

8 CHAIRMAN PERATA: Terrific. I haven't seen
9 loyalty like this in a long time.

10 [Laughter.]

11 CHAIRMAN PERATA: Would you like to be an
12 Assemblyman?

13 [Laughter.]

14 CHAIRMAN PERATA: We're going to be back here.
15 Thank you both. Have a nice time in Oregon.

16 MR. TILTON: Thank you very much.

17 CHAIRMAN PERATA: And where ever you're going,
18 you have fun, too.

19 [Laughter.]

20 MR. PRUNTY: Thank you.

21 [Thereupon this portion of the
22 Senate Rules Committee hearing
23 was terminated at approximately
24 3:35 P.M.]

25 --ooOoo--
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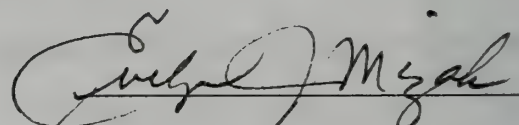
CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of July, 2007.


EVELYN J. MIZAK
Shorthand Reporter

APPENDIX

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Senate Confirmation
James E. Tilton
Secretary
Responses to Senate Rules Committee Questions
June 15, 2007

Statement of Goals

The Secretary of the Department of Corrections and Rehabilitation has the responsibility to provide policy direction and operational control to both the juvenile and adult corrections systems, including adult and juvenile parole, the board of parole hearings, and the corrections standards authority.

With 62,000 employees, the department is the largest single department of state government. It is responsible for incarcerating 173,000 adults in 33 institutions and 40 fire camps and other facilities, and 2,800 juveniles in eight facilities and two camps. The department manages another 117,000 adult parolees and approximately 3,000 juvenile parolees. The stated mission of the department is to improve public safety through evidence-based crime prevention and recidivism reduction strategies.

- 1. Please provide us with a brief statement of your goals. What do you hope to accomplish during your tenure as Secretary of the department? How will you measure your success?**

As the new Secretary for the Department of Corrections and Rehabilitation, I have several goals that I hope to accomplish during my tenure. However, I would like to provide you with a high-level outline of my five main goals I would like to accomplish during the next few years.

First and foremost, my goal is to establish a stable leadership team within the Department—one that will be sustainable in times of change, even a change in administrations. My goal is to create a reputation as the best run department in State government that can demonstrate an efficient and effective use of state resources and is accountable to its many stakeholders as well as to the public.

I will strive to make our Department a national leader in providing a safe and effective environment in our facilities for both staff and inmates, and will work to ensure that the environment in our facilities represents the best model for improving offender behavior and offender outcomes, which will set the stage for improved public safety.

I will work hard to see to it that our adult inmate overcrowding is down to a more manageable level, and that both our adult and juvenile offenders are provided with meaningful program opportunities as well as incentives to model good behavior that is needed when they return to their communities.

I will establish clear policies and procedures within the Department that are clearly communicated throughout the organization, coupled with consistent, ongoing processes for monitoring our compliance and measuring our progress as an organization.

Finally, I will create an environment which places value in treating our staff and offenders fairly, where staff are proud of our accomplishments, look forward to coming to work every day, and serve as role models for inmates who wish to take advantage of the opportunities provided them to make them productive citizens.

There are many more focused and targeted goals that I will also dedicate my time and energy to. Many of these are discussed in the following answers to the questions contained in this document. However, I have committed to the Governor that no one will work harder to see these goals through, and with the approval of the Senate, I look forward to providing leadership and continuity to the over 50,000 employees who have chosen a career in the largest organization in State government.

In terms of measuring my success, I will look critically at how we as an organization are making progress in each of these areas outlined above. It will be important to differentiate our successes in terms of things we have complete control over—such as meeting our internal deadlines or developing clear policies and procedures, as opposed to things which are not under our control, such as approval by control agencies and the Legislature for funding requests.

2. *Specifically, how should the Senate evaluate your performance?*

I was asked to accept the position of Secretary of the California Department of Corrections and Rehabilitation (CDCR) in April 2006, after the resignation of two prior Secretaries within a few months of each other. When I arrived at the Department, there were several problems I immediately identified. The Department was experiencing record overcrowding within its institutions with no plans for reducing that overcrowding. We were having huge problems with the communities and local law enforcement over the “sex offender shuffle”—our lack of good planning for managing high-risk sex offenders. We had a large number of vacancies in our management positions throughout the State, and salary compaction problems that made hiring difficult. We had no consistent leadership in our headquarters operations—only a handful of positions had served for more than two years. We had a significantly high vacancy rate in several of our rank and file classifications and the process for hiring staff could not keep up with our demand. Finally, we were having overall difficulty in meeting the mandates of several of the court cases we were involved with.

During my brief tenure as the Secretary of the CDCR I have addressed many of these problems.

I have been able to fill the majority of by senior staff vacancies, with only a few key vacancies left to appoint. Working with the Administration and the Department of Personnel Administration, I was able to resolve our salary compaction problem so that now managers are being compensated more than their subordinates.

Working with local government and law enforcement, the Department has implemented an early identification and notification system for sex offenders who are due to be released into the community.

We have worked aggressively to address our high vacancy rates, and are now making progress in filling our staff vacancies.

Along with my management team, we have embarked on a plan to work closely with the courts and the federal receivership to resolve our court issues together.

I have begun to create a culture of accountability within the Department through the establishment of project management and our COMPSTAT process, which stresses the need for performance tracking and accountability. In addition, our Department is moving back towards reemphasizing the need for a regular audit function through the expansion of our Office of Audits and Compliance—something this Department had in place several years ago that was severely reduced due to budget cuts.

One of the most harrowing experiences in the past year came perhaps in the first 30 days of when the Governor asked me to accept this position in an acting capacity. Early one Saturday, a female correctional officer was taken hostage by an inmate at Folsom. I immediately came to our Headquarters Office to begin the steps to activate our Emergency Operations Center (EOC), only to find that there were no clear guidelines for establishing the EOC and no clear lines of authority and communication. Fortunately, working that day with some extremely experienced and dedicated staff, we were able to avert a catastrophe and our female officer was released unharmed. However, this experience showed me how lacking this Department was in such basic correctional practices such as establishment of an EOC. By Monday, my management team was directed to ensure that our EOC process was established, up-to-date, and ready to respond in cases of an emergency. Gladly, the next time we had a large-scale event during an inmate riot at the Correctional Institution for Men, the Department responded by appropriately activating its EOC quickly and efficiently.

Perhaps the most satisfying accomplishment, however, was the passage of AB 900, which addresses the issues of overcrowding and programming for inmates.

Beginning with the announcement of the Governor's Strategic Growth Plan in January 2006, through the special session called in the summer of 2006, through management of the Out of State bed process initiated in October 2006, through the announcement of the Governor's Prison and Parole Reform Plan in January 2007, and finally through the passing of the Public Safety and Offender Rehabilitation Services Act of 2007, signed by Governor Schwarzenegger in May 2007 (AB 900), I and the staff at my Department have worked to resolve not only our problems with overcrowding, but to lay the groundwork for implementing additional programming and establishment of secure reentry centers that will ultimately lead to reduced recidivism in California, which will both save the State money and make our communities safer. It is important to note here that as we moved forward with our proposal to site and build secure reentry facilities, we were told that no community would be willing to agree to these facilities because of the "NIMBY" issue. However, I am proud to say that through the hard work on my staff, and the recognition by members of local law enforcement as well as several communities, we now have over 20 counties currently in discussions with us who have expressed an interest in siting one of these facilities. This in itself will represent the most significant reform in State corrections within the last 30 years.

In addition to the above, there are other things we accomplished in the last year that I am extremely proud of:

- We reinstated the third day of inmate visiting at 10 institutions—something that was reduced during budget cuts by the prior administration and the Legislature in 2003. In addition, we began the "Chowchilla Family Express"—a program for providing bus transportation for families of female inmates housed in state prison. Over 25,000 additional visits have occurred due to the visiting expansion.
- We have expanded our vocational programs in state prison—we have added 18 new vocational programs throughout the State. We have implemented the Carpentry Program at Folsom State Prison, and reinstituted the Inmate Diving Program at the California Institution for Men.
- We have begun to fill our correctional officer training capacities to capacity. Just last week, we held a graduation consisting of over 380 new correctional officers—the biggest academy graduation in more than three years.
- We have reinstated licensure testing for cosmetology programs at Valley State Prison for Women and California Correctional Women's Facility along with the Cosmetology Program at the California Institution for Women.
- We began the "Bonding Mother with Baby Program" at CIW where mothers are allowed to bond and care for their children in a 20-inmate Baby Nursery. In

July we will open a new 35-bed Family Foundation Mother and Child program in Fresno.

- We had the largest postsecondary inmate graduation in the nation this month, where almost 100 inmates received advanced degrees at Ironwood and Chuckawalla Valley State Prison.

These are a few examples of our accomplishments—there are many more. Enclosed is a document our Department recently completed that lists others. As we move forward in reforming our Department, and improving our operations, I plan on updating this document so that others will be able to track our progress.

Reorganization and Coordination of Responsibilities

On July 1, 2005, the Youth and Adult Correctional Agency was reorganized pursuant to Senate Bill 737 into the Department of Corrections and Rehabilitation. You are the third secretary to serve in this position since July 2005. While the intention of the reorganization was to improve the effectiveness and efficiency of the departments and boards that made up the former Youth and Adult Correctional Agency, complaints remain that the structure is confusing, with responsibilities that appear to overlap and areas where accountability is unclear.

- 3. The reorganization changed the organization chart significantly. Do you believe that the current structure is the most effective to achieve your goals? If not, what still needs to be changed? In response to repeated criticism about a chain of command where accountability and responsibility are unclear, you told the Senate Budget Sub-Committee #4 that you intended to clarify roles and responsibilities. When will this occur and what area do you think needs the most clarification?**

Like any major change of the magnitude of the reorganization under SB 737, there are portions of the new organizational structure that I believe need some attention. Overall, I believe that the goal of the reorganization—to focus the management structure into organizational program areas in order to create excellence in those areas—is sound. In some cases this has resulted in significant improvements, such as in our focus for female programming in our adult institutions.

In coming into the organization in April 2006, one of the first things that was apparent to me was the need to provide additional oversight at the Undersecretary level. Under the organizational structure created under SB 737, there were over 20 senior managers that reported to the Undersecretary, from everything such as support services functions, juvenile justice, legal, and health care. In an organization that employs more than 50,000 individuals in many different

capacities, this was clearly too wide of a span of control for only one individual. As a result, I proposed the creation of an additional Undersecretary position, and we appointed Stephen Kessler to that position. Mr. Kessler will oversee our business, communications, legal, legislative and other support services/government functions.

In addition, as a result of the passage of AB 900 and the realization that inmate programming is essential to the continued success in our overcrowded and underperforming state prisons, I am also proposing the creation of an Undersecretary in charge of Adult Programs. Under this new configuration, the Undersecretary of Adult Programs will be responsible for overseeing the Chief Deputy Secretary for Adult Programs and the Chief Deputy Secretary for Correctional Health Care. The current and remaining Undersecretary, Mr. Kingston "Bud" Prunty, will be responsible for operations: adult institutions and parole, and the Division of Juvenile Justice.

Another obvious change that I believe needed to take place was the elevation of health care to the Chief Deputy Secretary level. Under SB 737, health care reported to the Chief Deputy Secretary, Adult Programs. Because of the extreme importance of our health care operations at this time, along with the fact that all three of our health care components—medical, mental health, and dental—were under federal oversight, and in the case of medical federal receivership—it was important to me that health care report directly to the Undersecretary/Secretary level. As a result, I proposed the creation of the Chief Deputy Secretary for Health Care Services.

Another area of concern to me is the Corrections Standards Authority (CSA). Under the reorganization, the CSA was given the responsibility for setting standards and oversight for state-level adult and juvenile facilities, and setting standards and oversight for state/juvenile training. While I understand the nature of why this may have, at the time, been a laudable goal, the CSA was not provided with the resources to accomplish these new goals. Therefore, I do not believe CSA in the short term should have sole responsibility for setting state-level facility standards. To further emphasize this, the passage of AB 900 will require CSA to expend time and effort into overseeing the process for granting funding to counties for jail construction. I believe this is where CSA has excelled in the past—the oversight of funding, standards, and training for local facilities, and CSA will continue to do so in the immediate future. In the long term, I will reevaluate who within the organization will best be able to oversee state-level standards. Until that time, the Division of Adult Institutions will be responsible for standards for its institutions. In addition, the Office of Training and Professional Development will assist CSA in setting training standards and overseeing the training of our staff.

Finally, I am not entirely satisfied that the formation of mission-based Associate Director positions is having the impact that it should have. While I fully support the creation of the Associate Director for Female Programs and feel this has been extremely successful, I do not believe the other mission-based areas have provided the results they should have in almost two years. In addition, because mission-based institutions as they have been grouped are spread throughout the state, having an Associate Director housed within Sacramento who is required one week to travel to Blythe and the next week to travel to Susanville is in my estimation not the most advantageous structure if we truly expect our Associate Directors to provide oversight to these institutions. Therefore, I will most likely make modifications back to a regionally-based structure, and I am also contemplating moving the Associate Directors to the field. Again, I have not made any final decisions as yet, but I have actively engaged in numerous discussions with my senior management team on how we can make our organization more effective through needed changes.

I would agree that there has been, and in some cases continues to be, confusion over the chain of command, roles and responsibilities, and accountability. This has been the most apparent in the area of Adult Programs and Adult Institutions, as well as the area of Adult Institutions and the Board of Parole Hearings. Several months ago, our management team had an off-site for two days where this topic was discussed. As with any significant change in reporting structure, such as created by SB 737, there is usually a period of time where organizations must learn to operate under new circumstances. In order to further clarify for our employees how business should be done, by the end of this month there will be an instructional memo to our employees outlining our chain of command for our various operational areas. It will discuss, for example, how wardens are responsible for day-to-day operations within their institutions, but certain areas of the organization have functional responsibility for insuring program areas are of good quality, such as education or drug treatment. In addition to this, as discussed in the answer to the next question, the Undersecretary, Program Support, has begun work on formal procedures for delegation of authority within CDCR.

One of the concerns about the reorganization was that it would require too many issues to be raised to the Secretary and Undersecretary for approval or resolution.

- 4. Please explain how you have addressed this concern. What types of decisions must come to you, as the Secretary, for approval? What can be approved by the Undersecretaries without your approval? What authority do the Chief Deputy Secretaries have? In the past, the Directors of the Youth Authority and the Department of Corrections had a great deal of autonomy. How do you ensure that the division directors have enough authority to maintain effective operations within the current decision-making model?**

Literally, thousands of decisions are made each day in CDCR. Unfortunately, there are no formal procedures for delegation of authority within CDCR management and decision making tends to elevate to the highest level. The two Undersecretaries (three Undersecretaries if my proposal is adopted) have been designated with my full delegation of authority. The five Chief Deputy Secretaries have full delegated authority within their respective program areas of responsibility. Decisions that must be raised to the Undersecretaries or me are those, in the good judgment of the Chief Deputy Secretaries and/or Directors, require a higher level of review and discussion prior to formulating a department position. These are the issues that involve a major policy change, are politically sensitive, have a significant impact on public safety, and/or involve significant budgetary resources.

In my opinion, Division Directors should have ample authority to run their organizations. The first step to ensuring this is operational is to have a stable management team at the Director level and above that clearly understands their role, responsibilities and delegated authority, coupled with accountability. Unfortunately, that has not been the case. Key management staff have left, others have been promoted and one Director position in Support Services has been vacant until this last week. Given this, decision making does tend to rise within CDCR.

I am addressing this concern two ways. First, hire great people and empower them to do their job. I have filled a number of key management vacancies over the last six months. Second, with the arrival of the new Undersecretary, Program Support, we are currently working with outside consultants to assist us in formulating a formal, written organizational delegation of authority policy that will make it clear who is authorized to do what and at what level. Obviously, this process cannot include the countless decisions made by executives, managers and staff, but it will define high level, critical decision making and authority levels throughout CDCR. This work has just begun and I look forward to reporting our progress to you.

5. ***The 2005 reorganization created several new offices and divisions and assigned additional responsibilities to others. Please describe your efforts to evaluate the effectiveness of offices or divisions in carrying out the responsibilities that were delegated to them as a result of SB 737. Specifically, the Corrections Standards Authority (CSA), formerly the Board of Corrections, assumed several additional responsibilities, including the responsibility to set minimum standards at state correctional facilities and to establish selection and training standards for state correctional peace officers. To date, CSA has not been able to fully carry out these functions.***

Do you have any plans to redefine their scope or mission or do they need additional resources to carry out their new responsibilities? The scope of the Office of Research, which was established by the reorganization, has continued to evolve as the department has developed new initiatives. What is the role of this office with respect to the department's new initiatives, including recidivism reduction efforts and AB 900?

With almost two years of experience under the current organization structure as authorized by SB 737, it is apparent that some of the delegated responsibilities given to various parts of the organization need retooling, the primary example being the Corrections Standards Authority (CSA).

As mentioned previously, CSA's strengths in years past has been its work with local entities in setting both facility and training standards. CSA lacks the resources to duplicate this function for state-level adult and juvenile institutions. In the interim, the Division of Adult Institutions and the Division of Juvenile Justice will be responsible for standards within their facilities. This monitoring and oversight for standards will be accomplished through our Office of Audits and Compliance, under the direction of our new Assistant Secretary that was just appointed last week.

In the area of establishing standards for the selection and training of state correctional peace officers, CSA began work in July 2005 on the Job Components Analysis Project (JCAP). The CSA Board is routinely provided with updates from CSA staff on their activities and process towards the development of these standards. The work involved the completion of job analyses for the peace officer classifications and standard setting in the areas of selection and training for state personnel. The scope of this project is immense and was transferred to CSA from CPOST with limited resources. Work has been completed in the areas of research and planning, but CSA lacks the resources to conduct field work, analysis, and monitoring activities required for the 47 classifications being reviewed. I am pleased with the work that CSA has done to date to establish training standards for our staff. CSA will continue to play a major part in updating our training as we implement our reforms. As mentioned previously, CSA will be aided in this effort with the assistance of the Office of Training and Professional Development under the direction of the Undersecretary, Program Support.

The Office of Research plays a major role in the Department's vision for making evidence-based rehabilitation a major part of the mission at CDCR. The Office of Research will provide the data and facts required for solid decisions. Emphasis will be placed on practical, applied research and program accountability.

At the time of the CDCR reorganization, it was widely recognized that CDCR lacked research capability. The reorganization established an Office of Research

to address this weakness, increasing the 6 existing staff to 21, and adding a new Assistant Secretary of Research.

Following the reorganization, the Department consolidated its research and data analysis capability by grouping the Offender Information Services Branch (OISB) and the Juvenile Justice Research Branch together with the Office of Research under the new Assistant Secretary. Today, the Office consists of more than 80 staff, headed by a new Assistant Secretary of Research. In May 2007 an Executive Steering Committee for Research was established to set research priorities and disseminate the findings. Under this structure and guidance, the Office of Research has a number of roles related to recidivism reduction strategies, including:

- Consulting with Adult Programs, Adult Institutions, and Juvenile Justice about the selection, contracting, implementation and evaluations of evidence-based programming and practices.
- Acting as the point of accountability for all research and evaluation efforts at CDCR, internal and external, under the guidance of the Executive Steering Committee.
- Providing ready access to UC research and evaluation assets through the UCI Center for Evidence-Based Corrections and UC Davis.
- Communicating with stakeholders, including the judicial branch, legislative staff, the Governor's Office, and outside researchers, to keep them informed and involved in the design, implementation and evaluation of evidence-based treatment and practices.

As recidivism reduction strategies expand and diversify, and the Department implements programming under AB 900, the Research staff will continue to fulfill these responsibilities. In addition to consultation and evaluation services related to AB 900, provisions contained in the bill will require research support in possibly 10 different areas. The Executive Steering Committee will provide leadership in prioritizing research and evaluation activities.

6. ***In terms of resource allocation, how do you monitor whether each division has the resources necessary to operate effectively and ensure accountability? Each division appears to have a very different level of support available to them. For example, each of the five Associate Directors for mission-based prisons under the Chief Deputy Secretary of Adult Operations has a sizable staff that includes several high-level administrators along with a range of mid-managers and analysts. Yet neither the Chief***

Deputy Secretary of Adult Programs nor the Chief Deputy Secretary of Juvenile Justice has this type of support within the offices underneath them. Please explain. We have been hearing for sometime that DJJ was going to receive an administrative support unit. What is the status of this unit?

The Department has processes in place to monitor resources and ensure accountability, such as our COMPSTAT process, which is discussed below. However, several of the key positions responsible for monitoring and managing departmental resources were vacant and we have not been able to provide the desired level of oversight. I am pleased to inform you that the Governor has appointed individuals to fill the roles of Director of Support Services, Deputy Director of Fiscal Services, and the Assistant Secretary of Audits and Compliance. Filling these key positions will improve our operational effectiveness by enhancing our management of resources and ability to measure accountability.

In the meantime, the Department has continued oversight to the best of its ability. Annual fiscal reviews are held with each program in February/March to discuss current resource needs, budgets, and projections. Included in these discussions is the need for support personnel, functions and emerging needs. These discussions have been helpful, especially following the reorganization, in performing organizational assessments and re-evaluating the need for resources.

As part of the department efforts to monitor the effects of the reorganization, a lack of resources to support the juvenile justice programs was identified. The Department provided the Chief Deputy Secretary for Juvenile Justice with an operational support unit consisting of 14 positions to be housed locally within the DJJ Williamsborough Office. To date, 5 of these positions have been filled, job offers have been made for 4 additional positions, and the remaining positions have been advertised and are in the selection process. In the interim, the Department has internally redirected staff to fill the vacant positions in an acting capacity.

The Department will continue to monitor its organizational effectiveness and implement additional changes where necessary. One of the changes we are currently working on is to create a new unit that reports to the Director of Adult Institutions responsible for statewide institutional issues, to be funded by resources currently utilized by the Associate Directors for mission-based facilities.

- 7. For over a year, the Department has been conducting weekly "compstat" meetings to track operational issues. This process was hailed during last year's budget discussions as a solution to the department's difficulty with monitoring its own effectiveness. Is it your intention to maintain compstat as a primary oversight tool? Who should attend on a regular basis in order to ensure that it is a useful management tool?***

Since March 2006, the Department has been conducting weekly COMPSTAT meetings to review operational performance. Our COMPSTAT process was patterned after the successful program started by Chief William Bratton in New York City more than a decade ago. The Department's program areas provide quarterly briefings on operational performance to top departmental executives. During the past year, the Department has expanded COMPSTAT reviews to include adult and juvenile parole, adult institutions, juvenile facilities, information technology, Corrections Standards Authority, and Board of Parole Hearings. The Department also incorporated the Budget Act performance measures into the COMPSTAT process and is in the process of incorporating dental and mental health programs.

COMPSTAT will also be an evolving tool. We will continue to reassess how it is used within our organization, what we are measuring, and how to continually improve it. In the near future, COMPSTAT will be enhanced to provide targeted "benchmarks" for program areas, based on desirable and measurable outcomes. For example, GEDs/high school diplomas within institutions, level and percentage of program completions for such programs such as substance abuse, etc. Also, every Unit in the Department will be measured in the COMPSTAT process.

Attendance at COMPSTAT meetings varies depending on the programs being reviewed. As a matter of practice, the following executives, or their designees, attend COMPSTAT meetings and direct the questioning of programs being reviewed: Undersecretaries; Chief Deputy Secretary, Adult Programs; Chief Deputy Secretary, Adult Operations; Chief Deputy Secretary, Juvenile Justice; and Chief Deputy Secretary, Health Care Services.

Managers over programs being reviewed (e.g., Wardens, Superintendents) are questioned one at a time by executives about their operations. Managers over support functions (e.g., human resources, budget, facilities) are also present and will be called upon as issues arise in their areas of responsibility. Currently, we are reevaluating the need for each support function manager's attendance at these meetings, and/or the level of managers needed from support functions as the Department balances the need for oversight with the need for high-level managers to be available for other necessary tasks needing their attention.

After a year of use within the organization, I am happy to report that COMPSTAT is having an impact. When I now visit institutions throughout the State, I see evidence of COMPSTAT in the field. Wardens, Superintendents, and Parole Administrators are using COMPSTAT to measure their own local effectiveness. COMPSTAT will be the backbone of accountability for the Department, a tool that we will utilize to lay out expectations for departmental managers, along with a process for determining our progress at meeting our benchmarks.

8. ***What benchmarks do you review on a regular basis to determine whether individual adult and juvenile facilities and parole offices are operating safely and promoting the department's mission? What red flags do you look for on a regular basis?***

Ongoing operational issues are formally monitored by Department Executive Staff via the quarterly COMPSTAT process. This process allows the Executive Team to review adult and juvenile institutions, and parole operations as well as other areas to identify systemic issues that need to be addressed. Current performance is compared with prior quarter performance as well as with other institutions, facilities, or parole offices and other major functional areas. The data reviewed involves hundreds of elements. Examples of major elements are number and type of incidents including "use of force", Administrative Segregation Populations, facility lockdowns, inmate assignments to rehabilitative programs, staff vacancies and budget management.

The COMPSTAT reviews, while still evolving, have resulted in more focused attention on functions identified and marked improvement in numerous areas of operations. Data gathered over the last year has helped establish baseline performance. From this baseline data more specific performance measures will be developed over the next several months, such as offender participating in programs, recidivism rates for adult and juveniles, and others.

Any changes in individual data elements could trigger a red flag. For example, an increase in total number of appeals or an increase in types of appeals would raise a red flag. Similarly, an increase in disciplinary reports and/or specific types of disciplinary reports would raise a red flag and warrant further review. Conversely, a drop in inmate assignments to programs raises a red flag and again warrants further review.

9. ***We have confirmed several individuals to the department over the last six months. During the process, we have received a variety of answers regarding who is responsible for ensuring that rehabilitative programs are available at institutions. The responses range from the individual wardens to the Associate Directors to the Chief Deputy Secretary of Programs. What is your response to this uncertainty?***

In July 2005, the Department changed more than its name. We expanded our mission to include "rehabilitation" and realigned the organizational structure to place a greater prominence on effective programming for adult offenders. We developed a new entity entitled Adult Programs under the leadership of a Chief Deputy Secretary to signal a balanced footing with Adult Operations.

Prior to the reorganization, offender programs were a subset of Adult Operations. The new organizational structure created a disconnect because programs that were previously the purview of the warden now report to the Chief Deputy Secretary of Adult Programs. Specifically, the Chief Deputy Secretary of Adult Programs has responsibility to identify, develop, resource, monitor and evaluate evidence-based and promising programs for adult offenders. The Chief Deputy Secretary of Adult Operations has responsibility to ensure that each warden implements (identifies space, hires staff, assigns offenders to programs, provides security and escort to and from) programs. Additionally, the Chief Deputy Secretary for Adult Programs is responsible for migrating best practices to other prisons and responds to wardens' requests for additional rehabilitative programs.

One area that requires ongoing clarification is the distinction between evidence-based programs (i.e., vocational education, academic programs, substance abuse treatment), and self-help and inmate leisure time activity groups (i.e., narcotics anonymous, alcoholics anonymous, veterans groups, victim offender reconciliation groups, etc.) Evidence-based programs are those that have been empirically proven to have a favorable impact on recidivism reduction and are funded and/or staffed by the department. Conversely, self-help and inmate activity groups are generally staffed by volunteers, unfunded or locally resourced, and have not been formally evaluated. Both are deemed to have value and reduce inmate idleness, however, there are significant distinctions.

I addressed the issue of roles and responsibilities for correctional programming at an offsite workshop with my senior management team. I liken the responsibility for rehabilitative programming to a symbiotic relationship present in a corporate model in which the corporate office makes policy and funding decisions while on-site managers administer local operations. It is this cooperative, mutually beneficial relationship that leads to effective programs, improved offender success and ultimately enhanced public safety. However, simply put, I have conveyed my message that wardens are responsible for the day-to-day operation of programs, and are responsible for making sure there are programs for their inmate population. The Chief Deputy Secretary for Adult Programs is responsible for program content, quality, and making sure they are based on evidence-based practices. The two are responsible for working together to make this happen. This message is repeated in executive staff and cabinet meetings, at wardens meetings, regional parole administrator meetings, beds meetings, directors meetings and COMPSTAT. While confusion about roles and responsibilities has diminished, I recognize the need to reinforce the message at every opportunity. I will continue to look for opportunities to convey this message to my staff at every level of the organization.

Information Technology

The department has long talked about developing a comprehensive information technology system capable of managing both current and future needs. It is now planning to spend hundreds of millions of dollars on a state-of-the-art system.

- 10. Please describe key milestones and anticipated timeframes with respect to the department's efforts to develop a comprehensive information technology system. Will there be a time when CDCR can be described as fully automated?**

Though CDCR is making great strides in implementing comprehensive, integrated information technology (IT) systems, we recognize that a number of years remain before we will be fully automated. To that end, we are currently planning and executing a number of significant enterprise-wide IT projects that, when complete, will comprehensively integrate and automate the Department's core business functions—those required to efficiently manage our operational activities, as well as those required to effectively manage offender-related activities and data.

Although we are presently implementing a number of automation projects, three are most critical to achieving the long term goal of enterprise-wide automation: CITIP (Consolidated Information Technology Infrastructure Project), BIS (Business Information System) and SOMS (Strategic Offender Management). I want to express my appreciation for the support provided by the Legislature and the Administration in approving and funding these major efforts, which contribute significantly in helping us meet our automation goals, which in turn help us achieve our core mission.

First, CITIP provides the technical foundation upon which all other enterprise IT projects and systems will rely for connecting CDCR staff, statewide, to the people and information required to perform their daily responsibilities, whether performing operational or offender management activities. CITIP updates the Department's aging power supply and provides statewide connectivity to all CDCR locations known at the time of project approval. By January 2008, CITIP will provide full connectivity and updated power needs to seven adult institutions. By June 2008, CITIP will connect and update power to an additional eight adult institutions and all adult and juvenile locations where the BIS project is scheduled to be implemented. By June 2009, CITIP Phase II will complete all other connectivity and power updates to all remaining adult, juvenile and headquarter locations.

Another one of our infrastructure projects, Juvenile Justice Infrastructure Migration, completed the migration of all Juvenile Justice staff workstations from MAC to PC, this past year. By June 2009, we will complete this migration for all student

workstations. At that point in time, the Department will be standardized on one desktop computing platform.

In regard to automating operational business processes, the BIS project will implement a commercially available, customizable off-the-shelf Enterprise Resource Planning (ERP) solution, and will enable CDCR to streamline, automate and integrate its department-wide core business functions, such as human resources, supply chain, financial, and business support management. We plan to implement the BIS project in two phases. Phase I will implement financial and supply chain management functionality, and is scheduled to complete in July 2008. Phase II will implement human resources, budgeting and the business warehousing functionality; it is scheduled to complete in February 2009.

The SOMS project provides an automated enterprise offender case management system, which replaces manual paper files and improves and standardizes population management practices, throughout the Department. SOMS also consolidates the functionality of multiple existing offender and parole systems into a single enterprise database for both adult and youth. This will be accomplished with a three-phased approach. Phase I implementation begins in July 2008 and completes December 2010; it implements all core adult offender management functions, including education and rehabilitation programs, scheduling and property. Phase II implements the Adult Offender Sentence Calculation, Pre-Parole and Parole functions by June 2010. In March 2013, CDCR plans to implement Phase III – juvenile offender management for institutions and parole.

The Department recognizes the critical role automation serves in achieving its public safety mission for California's citizens; in particular, the importance of providing timely, accurate and secure information to ensure our institution, parole supervision and rehabilitation programs can successfully perform their daily responsibilities. Although we recognize that the path to full automation is a long one, each of these major systems will allow flexibility to accommodate the possibility of future changes due to the evolving nature of the corrections industry, technology advances and litigation requirements. We also recognize that a comprehensive Information Technology program provides us with the capability to collect and report the type of data required to measure our effectiveness in implementing and managing the Department's various programs, including Recidivism Reduction initiatives. As we implement these integrated enterprise systems, we will be able to readily access and communicate performance data regarding our core business processes. I believe this availability and transparency of performance information is vital to our respectful partnership with the Legislature and the Administration, enabling us to work together to ensure correctional reform in California.

In addition, the Administration plays a key role in ensuring our success. In recognition of the importance of having a robust Information Technology program within the Department, the Administration's Statewide Information Technology Advisory Committee, co-chaired by Clark Kelso, the State's Chief Information Officer and Vince Brown, the Chief Deputy Director for the Department of Finance, provide executive-level support in assisting us to meet our goals of improved technology within our Department.

Once again, I want to express my gratitude for your support in approving these IT projects to address and automate the known and future anticipated business needs within CDCR. We look forward to our continued communication, as well as your continued advice and counsel regarding their progress.

Vacancies, Recruitment and Training

As a result of existing vacancies, regular staff turnover, and approaching retirements, CDCR, like many state agencies, is facing serious staff shortages. Currently, there are about 2,000 vacancies out of approximately 30,000 correctional officers. According to a recent organizational chart, 10 of your 42 senior management positions are currently vacant.

- 11. Please explain strategies to fill current and expected vacancies for peace officer positions. Please distinguish between the efforts for both adult and juvenile positions. At what point will graduates from the department's training academies catch up with the need to fill entry level peace officer vacancies? What is the status of the department's efforts to expand the number of training sites, including possible satellite sites in community colleges?**

In FY 2006/07, a budget augmentation was obtained on the basis of the Department's increased projected peace officer needs to hire and train 4,200 cadets annually (includes adult, juvenile and parole), an increase of approximately 2,000 cadets.

Despite recruitment efforts, as well as streamlining selection processes, academies were still not being filled. In the Fall 2006, CDCR was receiving approximately 6,700 applications each month, which resulted in approximately 268 cadet hires monthly. In order to meet the annual budgeted capacity, the Department needs to select and hire more than 350 cadets each month:

Therefore, the Department took additional action to recruit and process more candidates. Staffing was temporarily augmented, including the use of experienced background investigators (Sergeants). The Department found that analysts

performing background investigations failed to meet monthly production goals. Due to the criticality of staffing institutions, in January 2007, the Department transitioned analyst background investigators out and backfilled the positions with Sergeants, who have so far produced 115 more cadets per academy on average than the analysts who previously conducted background investigations. It should be noted that historically, peace officers have been used to perform all background investigations (this is consistent with other law enforcement agencies, including the Department of Justice and the California Highway Patrol). Additional staff was also hired to support the critical infrastructure, in order to keep the 'pipeline moving'.

An aggressive statewide recruitment, advertising, marketing, and branding campaign was also launched for both adult and juvenile peace officers. The Department also began reaching out to candidates by conducting off-site hiring workshops (in California and out-of-state) and off-site testing in numerous locations throughout the State.

These efforts have finally resulted in the Department being able to fill academies to capacity. With this continued effort, the Department anticipates having all peace officer vacancies filled by the end of FY 08/09. Therefore, based on recent successes, a Finance Letter for \$18.7 million was submitted requesting infrastructure position authority and funding for 102 positions. This funding request must be supported by the Legislature in order for us to be successful in filling our vacancies by fiscal year 2008-09. Without the FY 07/08 requested resources, the Department's peace officer vacancies will not be filled until beyond 2010. I urge you to request that the Conference Committee support the full funding for our recruitment efforts.

However, upon review of actual and projected needs, the Department is still not where it needs to be in filling peace officer positions. Clearly, the Department needs to be even more aggressive in our efforts to hire and train our peace officers. During the next six months, I will be putting together the details of how we identify and site a Southern California Training Academy, as authorized under AB 900. In addition, we will look at additional opportunities to conduct temporary or satellite academies, such as the academy we held recently in Susanville, which helps to promote locally-based employment opportunities. The Department is also in support of an increase in housing stipends and a pilot for recruitment incentives in an attempt to further increase our recruitment efforts in its contract proposal. In order to expand our capacity even further, additional options are being explored, including, but not limited to: the use of private contractors to assist with background investigations, distance learning, and partnering with local community colleges for academy training.

- 12. *In addition to peace officer vacancies, there are many other vacant positions for cooks, teachers, maintenance workers, and other positions. What is the status of recruitment efforts for these non-peace officer positions? Again, please distinguish between the efforts for adult and juvenile positions.***

I am extremely proud of some of the accomplishments we have been able to make in this area. Most notably, under my leadership we were able to enhance the pay for our teachers in the Division of Juvenile Justice, as well as provide them with a 220-day work year schedule, which is consistent with work year schedules for teachers in public schools. As a result, we were successful in filling the majority of our vacant teacher positions and our classrooms are again filled with students.

In the area of medical, mental health and dental, we have also been successful in enhancing pay for our staff, and have begun to reap the benefits by filling the high vacancies in these areas. In addition, one of our pending budget proposals is to enhance adult teacher pay consistent with the teacher pay for the Division of Juvenile Justice. If successful, we expect a huge influx of teachers to fill the hundreds of vacancies we are currently experiencing.

CDCR also conducts recruitment and hiring activities continuously on behalf of the entire department. The same strategies that are used for adult are used for juvenile, although particular specialties have specific focus such as a physician for juvenile versus adult. The focused efforts would include pediatric associations and publications.

The following processes have been identified as viable recruitment strategies that our Department currently uses to fill critical positions within adult institutions and juvenile facilities:

- Expedited hiring processes
- Advertising and marketing
- Institution Hiring Workshops
- Conferences and Career Fairs
- Website
- Customer Surveys

Specific examples of efforts to fill vacancies include:

- Cooks – a classification specification revision was completed to broaden the minimum qualifications and enhance the candidate pool. On-site examinations have been administered, including enhanced delegated testing to the Juvenile facilities. Recruitment activities have been conducted on a department-wide basis.

- Case Records Assistant – a new class structure is being proposed to broaden the recruitment pool and also retain staff within these critical positions. Although not yet in place, this proposal is being actively worked on. Once completed, recruitment efforts will be initiated.

Finally the Department is working with both the State Personnel Board and the Department of Personnel Administration to break down barriers to the recruitment and hiring processes. We are also exploring the possibility of providing recruitment bonuses, stipends, and other incentives to increase the success of attracting new employees to hard-to-fill classifications.

13. ***For a variety of reasons, including compensation for overtime, custody officers often earn higher salaries than the lieutenants and captains to whom they report. What is the status of your efforts to address salary compaction in the field and headquarters? There is a fair amount of variance among salaries for senior executives. Should this variation be addressed?***

When I arrived at the Department, there were serious compaction issues between rank and file and supervisor/manager classifications. Most notably was the fact that Chief Deputy Wardens were paid more than Wardens, making the filling of Warden positions extremely difficult. While I was able to address the Warden's pay, I was unsuccessful in addressing pay for manager positions within headquarters. As a result, there was an extremely high vacancy rate throughout most of the year in management positions. As of March 1, 2007, I was finally successful in increasing the pay for our management positions. Since that time, I have had great success in recruiting extremely qualified individuals to join the Department's management team in Sacramento. This will be extremely critical as we move forward to implement our major reforms required under AB 900, along with other significant challenges facing the Department.

We now have an agreement with the Department of Personnel Administration that salaries given to rank and file employees will also be passed on to supervisors and managers in order to maintain the incentives for employees to promote into these positions.

Although we were successful in addressing the salary issues, however, there are still compensation issues that have NOT been addressed. Rank and file employees receive salary adjustments for attaining higher education degrees that is not provided to supervisors and managers. Also, rank and file employees are eligible for up to a 7 percent increase in pay based on "seniority"—this pay adjustment is also not provided to supervisors and managers. Until these last pay issues are addressed, we will continue to create some resistance for some of our employees—especially well educated employees with many years of experience—

to promote into leadership positions. I believe these are the type of employees that we should be attracting into supervisor and manager positions rather than creating barriers for them to promote. As such, I will continue to work to address this issue.

14. Please explain your succession planning efforts. Are you satisfied that these efforts are sufficient? If not, what other strategies will you implement? Please include timeframes and resources needed.

One of the areas that I am not entirely satisfied with at this time is our succession planning. The Department does not yet have a formal succession planning program. What I have done in the interim is to use retired annuitants in many areas by matching them up with newly appointed managers within the Department to provide them with training and mentoring. This will help the Department as we move forward to provide some stability that has been missing from our organization in the last several years.

This effort, combined with the Department's leadership training, which I am pleased with, will provide us with the necessary continuity to restore our Department's national and state credibility as a well-run organization able to implement and sustain reforms in the coming years.

The following is a brief description of our leadership development efforts. Our leadership development is essential in creating the change in culture needed as we bring about true rehabilitation and reform to our system.

➤ **Executive Leadership Development Program**

Started in November 2005, this program is designed for Executive Leaders to assess, understand and develop leadership skills to address critical issues confronting CDCR.

➤ **Leadership Development Program**

Started in January 2006, this program is for designated Managers and focuses on enabling staff to access and develop their leadership skills, integrate leadership theories and practices and address critical correctional professional issues confronting CDCR.

➤ **Management Skills Development Program** – This program (pilot in April 2007) covers basic skill development as well as specialized skill development required for CDCR's unique working environment. A

comprehensive summary of this program is provided in my response to question #15.

While I am very pleased with these efforts, no formal plan currently exists that ensures and furthers integration of these leadership development programs into our work environment. For this reason, development of a formal leadership structure is a priority for the Department. I envision a program where future leaders work together on various departmental projects to provide them an opportunity to develop and display their management and leadership skills. In addition, we are looking at the development of a formalized rotational assignment program that will allow future leaders to move through various key positions, gaining work experience and knowledge to further augment their leadership skills.

- 15. *Who is responsible for determining whether the department's initial and ongoing training efforts are adequate, including training for peace officers, non peace officers, and managers? Please describe any efforts to evaluate and change the type or amount of training provided.***

The Corrections Standards Authority (CSA) is responsible for establishing training standards for CDCR peace officers, based on analysis of required knowledge, skills, ability and attitudes for successful job performance. Current academy training is based on these standards, and has been updated frequently as new training requirements are identified. CSA is currently conducting a new job analyses for entry level peace officer positions in CDCR, and the training provided to new and veteran peace officers will be updated when new standards are issued.

The Office of Training and Professional Development (OTPD) is currently responsible for determining the adequacy of the Department's initial and ongoing training efforts with constant feedback and input from the Department's managers and executives.

Since 2005 OTPD has established a formal evaluation process for all academy training for entry level peace officers (adult and juvenile) and new parole agents. New peace officers and their supervisors are surveyed six months after graduation to determine the percentage who rate their academy training as meeting or exceeding training needed for successful job performance upon graduation. Adjustments to the academy are made based on the survey results.

The OTPD has established a number of other ad hoc management groups to plan, evaluate, and adjust new programs, including several leadership development programs and a recent management development skills pilot conducted in FY 2006-07.

While these efforts have led to the implementation of successful staff development programs, more executive management attention will be needed to ensure that staff are prepared to fully implement the massive changes authorized by AB 900 and the juvenile justice consent decrees. Staff will be required to do their jobs differently as rehabilitative efforts and offender programming are improved.

I will be re-establishing a Departmental Training Advisory Committee to provide the broadest level of oversight and guidance to staff development. This Committee will be charged with creating a sustainable and comprehensive training and staff development program that links to the implementation of the reforms, and ensure that quality standards are met by all offerings. The Training Advisory Committee, through its oversight, strategic planning, and prioritization roles, will develop strong, sustainable working partnerships with California's public universities and colleges; will review and approve final curricula for training and development offerings; and will ensure each offering achieves measurable learning outcomes for participants. They will also be responsible for looking at best practices in other states to insure we have the most comprehensive, up-to-date, training available for our peace officer cadets.

The Department also needs to restore its partnerships with the unions that represent the majority of staff, that is, all rank-and-file staff. One high priority is to re-establish a working apprenticeship program for new peace officers administered through a joint management-labor apprenticeship committee. The Department will also be establishing working links to the unions that represent the many non-peace officer employees of CDCR, to ensure that the staff development needs of these groups are included in the comprehensive staff development program.

As we move forward in the next fiscal year, the Department will focus its efforts on how we provide adequate training for all staff through a needs assessment. It is imperative that we address the training needs of all of our staff in order to change the culture of our Department as an entity responsible for improving the public safety for the citizens of our State.

- 16. The department has several leadership programs for first and second line supervisors and managers. What percentage of supervisors and managers have received this training? What are you doing to ensure that the lessons learned from these programs are being applied? How are you evaluating the effectiveness of these programs?**

Training of our first and second line supervisors and managers is critical to our future success as an organization. For that reason, every training class is being addressed personally by me or one of the other high-level administrators within the Department. This is necessary in order to stress the importance of training, and to insure that supervisors and managers understand the need to apply their training

when they return to their work areas throughout the state. In terms of our recent training, we have accomplished the following:

- In 2006-07, 87 executives graduated from the Executive Leadership Program out of approximately 100 participants (87%).
- In 2006-07, of the 848 managers in CDCR, 313 managers graduated from the Leadership Development Program (36.9%). This program is expected to graduate an additional 264 (31.1%) in FY 2007-08.
- In 2006-07, of the 7,789 supervisors in CDCR, 848 completed the Leadership Challenge Workshop (10.9%) An additional 624 (8%) are projected to complete this program by September 2007. This program will continue to graduate 1,600 (20.5%) additional supervisors each year. This is a valuable program, one we would like to augment. At this time however, we are unable to expand our capacity due to restrictive resources.

To ensure that the lessons from these programs are applied, participants in the Leadership Development Program and the Leadership Challenge workshop are given the Leadership Practices Inventory (LPI). This is a 360-assessment tool that helps individuals and organization measure competencies while guiding them through the process of applying the Five Practices of Exemplary Leadership Model to real life organizational challenges. Graduates of the LDP are re-administered the LPI six to nine months after completion of the program and attend a Leadership Management Symposium that continues the leadership discussion. Data shows that CDCR managers are adopting the Five Practices of Exemplary Leadership and that their co-workers and subordinates have seen an increase in leadership behaviors of their manager.

The following steps have been undertaken to evaluate the effectiveness of these programs:

- Participants' perceptions of training are assessed through a Level 1 evaluation at the conclusion of each course.
- The effectiveness of training is measured by conducting pre and post tests at the beginning and conclusion of each module. The results are compiled in a Level 2 summary report.
- Group discussion is conducted by program managers of lessons learned and program and presenter strengths and weaknesses at strategic intervals during the training cycle.

- Course revisions and updates are implemented based upon feedback from the "lessons learned" meeting.
- Leadership Development Program graduates are re-administered the LPI six to nine months after completion of the program. Graduates are provided their own pre and post test results as input to their personal development plans, and the aggregate pre and post results are tracked at the Departmental level.
- Data from the first five tracks of the LDP show improvement in the amount of leadership practices observed. The feedback mechanism captures data relating to exhibited leadership behaviors as identified by subordinate staff, peers and managers of the individual who participated in the LDP.

Finally, to insure proper feedback, we bring managers back on a regular basis to determine whether or not the training they have received is effective, and whether or not improvements are necessary.

Assembly Bill 900

On April 26, 2007, the Legislature approved the Public Safety and Offender Rehabilitation Services Act of 2007. This Act will finance construction of space for 40,000 state inmates and create a broad range of performance measures that the department must meet. It will also expand a number of existing programs, such as in-prison drug treatment. Among the new provisions are a requirement that all new bed space be accompanied by rehabilitation services, creation of a Rehabilitation Oversight Board to evaluate rehabilitation and treatment programs, establishment of mental health services for parolees, construction of community reentry facilities in local cities where inmates will be paroled, and the creation of incentives to increase inmate participation in education programs.

- 17. Given the aggressive timeframes and significant resources necessary for AB 900, what systems are you putting in place to monitor implementation? How will you recruit qualified construction managers and the support staff necessary to oversee this initiative?**

In August 2006, a project management process was implemented to monitor statewide initiatives. Early on, I identified 10 high level projects, such as the Coleman and Perez lawsuits, High Risk Sex Offenders, Jessica's Law, and Reducing Recidivism Strategies. The Office of Project Management (OPM) was subsequently established to execute the standardized departmental project management process, train internal project managers on the new process, and coordinate project updates.

As an example of our success, our project management process was used to monitor the progress of our new programs created as a result of the over \$50 million provided to recidivism reduction efforts. Although we had delays early on in putting contracts in place, by the end of the fiscal year we have successfully implemented all but one of our projects (the one project not implemented was a result of the lack of federal government curricula that was to be passed on within the State).

To help meet the aggressive timeframes for implementation of AB 900, the Administration has formed two separate "Strike Teams": one team for Facilities and one team for Rehabilitation Programs. These teams will report to me on a regular basis as to their progress in implementing the provisions of the bill.

In addition, I have designated staff responsible for each key component of the legislation and implemented an internal monitoring system to oversee project implementation, including regularly scheduled briefings with senior management. This system identifies obstacles to implementation and Strike Team intervention points.

The Strike Team has proposed a reorganization of the Office of Facilities Management effective July 1, 2007 to reflect its increased role in delivering large-scale renovation and new construction projects. Its structure mirrors in large part the former Planning and Construction unit leveraged successfully by the Department of Corrections in the 1980's when it faced a similar workload. Concurrent with this reorganization is a recruitment plan that enhances our ability to attract and retain qualified construction managers and other project and support personnel.

The Department has already begun the selection process for professional design and construction management services. Advertisement began in April 2007 for these professional services, Statements of Qualifications have been received by architectural, engineering and design services and those statements are being reviewed. Interviews for these firms will be conducted by July 1, 2007, and selections will be made soon thereafter. Statements of Qualifications for construction management services are due July 15, 2007, and interviews will be scheduled for the third week of July 2007.

The Strike Team for Rehabilitation Programs will assist the Department in carrying out the mandates of AB 900, which will set the stage for increased programs in our adult facilities. They will continue the work already begun by my staff last year in enhancing program opportunities for inmates, and will use the report due this month by the Expert Panel Report as a framework for effective, evidence-based

programming in our state prisons and communities which will culminate in a reduction in the State's high recidivism rate.

18. ***How will you ensure that the resources needed for AB 900 will not have a deleterious impact on the department's other priorities, specifically juvenile justice reform?***

It is true that the expectations of AB 900 are massive. It is also true that the type of reform in Juvenile Justice is just as encompassing, although smaller in magnitude. As you know, for most of last fiscal year I was without key managers in my Support Services area. Now with the creation of the new Undersecretary position, and with the appointment of the Director of Support Services and the Deputy Director of Fiscal Services, we will be able to assist all program areas, including the Division of Juvenile Justice (DJJ), with needed support. My expectation as Secretary is that support matrix staff are responsive to all program areas. It is our goal that as the support needs for implementation of AB 900 are identified, resource needs will be met in order to ensure no loss of services as DJJ moves forward with their reforms.

To specifically address the needs of DJJ, in the fall of 2006 DJJ was given a dedicated cadre of additional administrative and support staff to provide services to the Division. These 14 staff will help to meet DJJ demands as it moves forward in its implementation of services to youth provided under *Farrell*.

19. ***AB 900 authorizes the construction of 16,000 beds at existing facilities. The legislation requires the department to replace their "bad beds" with these new ones. How will you balance and prioritize competing pressures such as staffing shortages and recruitment issues, appropriate levels of custody, wastewater treatment issues, and the current location of "bad beds?"***

CDCR is currently analyzing the 16,000 "in-fill" beds authorized in AB 900 in collaboration with the Strike Teams. This analysis will result in the development of an aggressive construction schedule. Once that schedule is developed, CDCR's population management team will conduct a review of all existing non-traditional beds and determine a priority for elimination of these beds. This prioritization will include evaluation of existing facility infrastructure (including such things as wastewater), staffing shortages, types of bed needs department-wide, levels of custody, program impact, and culminate in the development of a master planning document for elimination of non-traditional beds. This master plan will be distributed to all departmental stakeholders (prisons, labor, program, health care, etc.) for comment and recommendations. Upon final approval, the prioritized

deactivation of non-traditional beds will be included in the Department's Inmate Activation Schedule (IAS) for budgetary action.

In terms of our commitment to staffing, as described previously the Department is undergoing an aggressive effort to recruit and fill existing vacancies. This effort, along with judicious use of out-of-state contracts to house inmates temporarily, should alleviate some of the short-term pressure placed on institutions and its use of non-traditional beds.

- 20. *The Public Safety and Offender Rehabilitation Services Act of 2007 also requires the department to assess inmate needs for education, mental health, and substance abuse treatment services and to expand the availability of these services. How soon will you have an action plan that will show the proposed types and locations of this programming?***

For approximately 18 months, CDCR has been piloting the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) risk and needs assessment instrument with inmates who are within 240 days of their parole dates. COMPAS risk ratings assist staff to assign parolees to appropriate supervision levels. The needs section identifies their reentry needs so that they can be referred to corresponding services in the community. Parole Planning and Placement staff have conducted more than 54,000 offender assessments to date.

We are now implementing assessment of risks and needs upon inmates' reception into the system. This will give us the ability to identify inmates with whom our rehabilitative efforts are most likely to make a difference (those with moderate to high risk to offend again). We will also be able to identify the needs that contributed to their criminal behavior so we can address those needs with evidence-based interventions during their terms. More detailed assessments will be conducted as the COMPAS needs indicate and that information will feed into a case plan that will be available to support program placement decisions.

This month staff in four reception centers (RCs) will begin administering at reception the COMPAS instrument on both male and female inmates who have more than 240 days to serve before their parole dates. The instrument is being modified to be responsive to the needs of female inmates.

By June 2008 these assessments will be conducted in all of the RCs. Thereafter, we expect to acquire the expert staff resources, the information technology infrastructure and the revised procedures necessary to tie ongoing, dynamically updated assessment information into the classification and assignment processes. Finally, we will be contracting with outside experts to validate our COMPAS tool to determine its effectiveness for use with the inmate population.

report will be submitted to the Legislature by January 15th as required by AB 900.

Risk Needs Assessment and Re-entry Planning for Adult Inmates

For several years, corrections administrators have talked about the need to better plan for the re-entry of inmates into society, including a process that would provide every inmate with a risk and needs assessment that would be administered upon arrival in prison and utilized in a seamless fashion through parole. The Public Safety and Offender Rehabilitation Services Act of 2007 requires the department to assess all inmates for the purpose of placing them in programs that will aid their reentry into society.

22. When will the initial assessment be administered and how often will reassessments be conducted? Who will you hold accountable for ensuring that inmates are administered a risk needs assessment at the appropriate intervals and that the information gathered from the assessment is used to place inmates and parolees in the necessary programs?

As I indicated in my response to item #20, pre-parole COMPAS assessment and case planning are already being conducted and up-front assessment at prison reception will begin on a limited scale at four RCs this month.

The initial assessments and case plans will be administered during reception processing prior to transfer to receiving institutions. Ongoing reassessment will not occur until later stages of implementation in FY 2009-10, although I am looking at ways to accelerate this timeline. At that point, initial assessments, ongoing reassessments and use of resulting information in program placement will be the responsibility of classification services and/or educators in prisons.

It is important to clarify, however, that the process of building a credible, validated risk assessment instrument, coupled with a case planning process along with adequate programming available to the inmate population, will likely take several years to accomplish. It will require significant resources and support from both the Administration and the Legislature in order to be successful.

Pre-parole assessments will continue to be the responsibility of Parole Planning and Placement and parolee placement decisions will be the responsibility of parole unit supervisors.

I expect that eventually risk related information will not only be used to determine the level of parole supervision as currently but it will also become an important part of decision making in response to parole violations.

23. *How will you measure the effectiveness of the risk needs assessment and its use within the department?*

The CDCR Office of Research entered into a three-year contract in April 2007 with Dr. David Farabee and Dr. Sheldon Zhang at the University of California at Los Angeles to validate and evaluate the COMPAS risk and needs assessment tool. They have identified three phases for this process:

- Phase I will be the evaluation of the COMPAS assessment's predictive power for reoffending. The Office of Research expects preliminary findings on this phase by the middle of September.
- Phase II will be the evaluation of the COMPAS assessment's ease of use, understandability, and ease of application in level of case management and treatment planning. Field research by UCLA should provide some preliminary information that we can share with the Legislature in January/February of 2008.
- Phase III will be the validation of the COMPAS assessment's ability to screen for criminogenic needs, which includes factors such as criminal thinking, substance abuse, education status, vocational training, and family issues. This is the most complicated part of the validation study. The Office of Research is working out a research design with UCLA about the details for this aspect of the validation study.

Juvenile Justice Reform

24. *One of the earliest concerns expressed by the Legislature about the 2005 reorganization was that issues related to juvenile justice would be dwarfed by the issues facing the much larger adult correctional system. How do you respond to these concerns? Please describe the practices you have put into place to ensure that juvenile justice issues are not overshadowed by adult-related issues. How much time and energy do you and your senior management team devote to DJJ-related issues?*

In recognition of the need to insure DJJ was not overshadowed by adult corrections, the bill authorizing the reorganization, SB 737, created a separate Division of Juvenile Justice which was headed by a Chief Deputy Secretary reporting directly to the Secretary/Undersecretary. The initial reorganization plan did not include this model, thus SB 737, as signed by the Governor, elevated and recognized the need keep Juvenile Justice separate from adult operations. As mentioned previously, additional resources have been provided to DJJ to ensure

its administrative and support functions operate smoothly and can respond to the needs required under the Farrell lawsuit.

We're excited about the opportunity to implement reform to reduce the size of living units and enhance our staffing model so that DJJ can fully implement an integrated behavior treatment program. This includes assessment and classification instruments developed specifically for DJJ population. In addition, DJJ reform will increase family involvement, improve our conflict resolution options and better allow us to meet the individualized treatment needs of youth. However, current discussions about policy changes affecting DJJ will impact implementation and cause us to reassess our implementation schedule.

In order to insure that the needs of DJJ are met, the Chief Deputy Secretary, Juvenile Justice, participates in Cabinet meetings every other Monday and the CDCR Executive Staff meeting on the alternative Monday. CDCR Executive Staff meetings also include the Director of DJJ's Institution Operations, the Director of DJJ's Parole Operations and the Executive Officer of the Juvenile Justice Parole Board. The Chief Deputy Secretary is actively involved in setting agenda items, and can raise operational issues during these high-level leadership discussions. Thus, juvenile justice issues are raised and receive the same level of attention as adult issues.

The Project Management System is one more venue in which the specific implementation of Farrell is managed with equal access to support/resource needs and barriers to such implementation are discussed and addressed.

Finally, the Chief Deputy Secretary has frequent one-on-one meetings and discussions, at least on a weekly basis, with the Undersecretary for Operations.

- 25. As a result of last year's budget discussions, the department identified the Herman G. Stark Youth Correctional Facility in Chino as one of the first facilities to be converted to a new model. We have recently learned that the Herman G. Stark facility may be closed during the next fiscal year if the Governor's realignment proposal is adopted. Please explain how the department is simultaneously preparing to reform and close the same facility. Which option most accurately reflects the department's priorities?**

The extent of DJJ facility closures will not be known until Legislative action is taken on the Governor's realignment proposal. Under the original proposal outlined by the Administration, if intake stopped on July 1, 2007 and all eligible youth were realigned to the counties, the DJJ population would be reduced to 1500 by the end of FY 2007-08. This could have necessitated the closure of two DJJ facilities. However, I understand that the Legislature may be looking at a scaled-back

realignment proposal for DJJ that is not as encompassing as the proposal put forth by the Administration. Therefore, we cannot determine the extent of our closure plans until the Legislature and the Administration agree to a final plan for realigning the state-level juvenile justice population.

As a matter of policy, my commitment in the Farrell litigation is to implement all reforms outlined in the remedial plans filed in Court, regardless of the size of the population under state jurisdiction. Since the Department is in the first year of funding, most of the efforts are to establish the appropriate infrastructure to improve the safety of all DJJ facilities and enhance program services—allowing some flexibility for specific facility implementation. Hiring staff, enhancing training, develop appropriate treatment interventions in conjunction with a risk/needs instrument are all occurring now and are not entirely hampered by pending issues around facility closures. So, while we are to some extent delayed in implementing action plans until final decisions are made on realignment, once the Legislature and Administration agrees on a realignment proposal we will be able to tailor facility specific changes to the population we have.

Board of Parole Hearings

As a result of the 2005 reorganization, there is a “dotted line” between your office and the Board of Parole Hearings, which exercises jurisdiction over inmates servicing life terms under the Indeterminate Sentence Law, state prisoners serving specified terms of less than life, and those sentenced to life with the possibility of parole.

26. Please describe your role with respect to the Board of Parole Hearings.

As the Secretary, I am responsible for the operational success of the Board of Parole Hearings (BPH), which is to be separated from the day-to-day, independent decision-making process of the Commissioners. In recognition of this fact, the Executive Officer of BPH is a member of my Executive Management team. Our team meets every other week and the Executive Officer is responsible for bringing issues to me that need the attention of either me or the Undersecretaries. I require the BPH to participate on a regular basis with other CDCR senior managers in discussions on various policy issues. Finally, BPH is one of the major offices that is required to be monitored through the COMPSTAT process, which is attended by me and/or the Undersecretaries. This process has helped me to monitor some of the more important operational issues facing the Board, such as the lifer hearing backlog, and compliance with the Valdivia lawsuit.

Under the reorganization, the Division of Support Services provides administrative support to BPH as the BPH is an independent hearing body. The administrative support entails direct, day-to-day assistance with BPH staff in all administrative

areas, from personnel transactions and budgetary support services, to significant database and contract development.

- 27. Over 30% of scheduled parole suitability hearings were postponed in the last two years. This is costly to taxpayers, and very inconvenient and costly for the victims, families, inmates, and attorneys who have prepared for the hearing and expected them to occur as scheduled. The postponements are often due to factors that could have been prevented for at least known in advance, e.g., incomplete files, inadequate psychological evaluations, etc. What systems have you put in place to improve the activities of the "board desk" at each institution and the coordination between the department and the board?**

I have asked the Undersecretary of Operations to monitor communications and coordination between CDCR, the Division of Adult Institutions (DAI) and the Executive Officer of BPH to identify and focus on specific problems with the facilitation of the parole suitability process at each institution. Several short-term solutions have been implemented, including overtime and staffing redirections. Working together, DAI and BPH have developed several systemic solutions to address chronic hearing postponement problems. In addition, case records staffing increases and position classification actions are planned. An Internet technology project, called the Lifer Scheduling and Tracking System, has been designed and funded to assist with the identification of documentation processing and provide for efficient scheduling of parole suitability hearings.

In addition to the regular meetings with the Undersecretary and DAI, the BPH has been asked to provide detail on the postponements for performance measures in the COMPSTAT quarterly reporting process. Since the Board began COMPSTAT reporting, they provided a total number of postponed cases in order to establish a baseline to track performance. Additionally, effective the first quarter of 2007, the Board began reporting the specific factors contributing to postponements.

I am happy to report that as a result, we have begun to see some progress in these areas that the Board is now required to regularly report on, such as the backlog of lifer hearing cases and number of postponements.

- 28. Inmates who are denied parole suitability are often advised to enroll in a specific prison self-help program, such as anger management, or a prison education program. Please describe the process of communication between prison staff and the board on the type and availability of programs for lifers sentenced with the possibility of parole.**

When an inmate is denied suitability for parole, the BPH will often make a recommendation to the prisoner to enroll in a self-help program, such as anger management, substance abuse, vocational or education programs. The BPH makes recommendations but the recommendations are generally not for specific programs. CDCR meets routinely with BPH to address issues related to the parole suitability hearing process. Historically each institution has provided a list of programs available to the inmates identifying yards, times and individual criteria. Information from these meetings is shared with the Classification and Parole Representative (C&PR), which is a CDCR staff member. The C&PR is the liaison from the BPH in the hearing and parole process and has information regarding the institutional program and program criteria. The BPH panel members are advised that they may contact the C&PR if they have specific questions regarding the programs or questions regarding eligibility for prisoners sentenced to life with the possibility of parole.

As we move forward to an time where we provide risk and needs assessments to our inmates, and individual case planning based on the assessments, the Department will need to further strengthen the communication between the BPH and institutional staff as well as stressing the importance to working together to insure that programs are available for the lifer population. As you know, at this time, many of the program opportunities within our institutions are significantly less than they should be.

Female Inmates

The administration has proposed transferring as many as 4,500 nonviolent, minimum security female inmates into secure community facilities guarded by state correctional officers.

29. What is the status of this proposal?

The 2007 Proposed Governor's Budget includes \$1.7 million General Fund in Fiscal Year 2007-08 for the Department to perform pre-activation functions necessary to implement the Female Rehabilitative Community Correctional Centers, and trailer bill language is pending to provide authority to contract for up to 4,500 beds. As stated in the Governor's Budget, once completed, these facilities will (1) provide beds for female offenders, (2) enhance treatment, (3) enhance vocational and educational services that target substance abuse and employability and (4) strengthen family ties as offenders prepare to re-enter their communities. In partnership with community providers, this will enable non-serious, non-violent female offenders to participate in rehabilitation programs in the communities to which they will return when released on parole. Community

placement provides increased opportunities to reconnect with their children as the offender's transition into parole status.

Contract awards are scheduled for September 20, 2007. There is a one-year non-compensated construction period; however, a contractor could have an existing facility that could be a "turn-key" operation that requires no construction. Therefore, it is anticipated that some beds may be available as soon as January 2008.

This is probably one of my most personally frustrating issues. Our Department, in recognition of the need to establish meaningful gender-based reform, sought the advice of nationwide experts in the area of female correctional best practices. Working together, they were able to develop a model that has been widely regarded as one of the best examples of public-private partnerships created under this Administration. Our female reform package has the strong support of the Little Hoover Commission and other important stakeholders who have studied this issue for the last decade.

The Administration has continued to seek approval from the Legislature for our reforms. Sadly, we are still waiting for the Legislature to act. At a time when the Department is being widely and loudly criticized for not being able to perform, this is one area where we are poised to award contracts—yet we lack the authority to do so.

Prison Gangs and Racial Integration

The department is under a court order to begin racial integration of its prisons.

30. Who is responsible for this effort? What are the timeframes for implementation? How will this effort affect other departmental priorities, including any strategies to address problems related to prison gangs? What measures are you putting in place to minimize violence during this process and monitor progress?

The Department is faced with numerous priorities, not the least of which is the implementation of AB 900. The successful implementation of racial integration and gang strategies should not be viewed as separate from this critical priority. In fact, just as gang suppression efforts are critical to the success of racial integration, so to is the ability of the Department to integrate its population in an effort to increase the rehabilitation of incarcerated offenders.

The Department cannot provide rehabilitation to inmates in an environment where they, along with staff, are threatened by violence and racial pressures,

exacerbated by the influence of gangs. In recognition that the ultimate objective of achieving a safe prison environment is dependent upon the success of racial integration and gang suppression efforts, the Department has decided that racial integration will be achieved in a thoughtful and measured manner, and "lessons learned" by other states who have successfully integrated will be sought out. In addition, the Department will include input from national experts in the fields of gang management. Efforts will be constantly monitored for appropriate outcome, with a primary emphasis on staff and inmate safety.

The Director, Division of Adult Institutions is responsible for leading the racial integration effort.

In the developmental phase of this project, staff visited the Texas Department of Corrections (TDOC), where racial integration was successfully implemented and utilized TDOC staff as project consultants.

Using an approach similar to the TDOC, the Department has adopted a three-phase program to implement integrated housing. While we have established target dates for implementation, based upon the experience of the TDOC, final implementation may take several years.

Phase I (Began In February 2007)—This phase entailed an information technology component to allow the coding of inmates based on case factors related to integration. This coding will provide access to information describing if an inmate has been a victim or perpetrator of racially-motivated violence, and document any refusal of an inmate to participate in the racial integration process. This has already begun in CDCR reception centers.

Phase II (Scheduled to begin in June 2008)—This phase will allow selected institutions to use the Phase I coding to make housing decisions that do not use race as a sole determining factor in the decision. This is a crucial phase that will allow departmental decisions on the planned full implementation in Phase III. Lessons to be learned during this phase include real data on the number of inmates who refuse to cooperate and are thereby subjected to the disciplinary process and related sanctions. At the conclusion of this phase, the department will be better able to determine how to roll out the final phase.

Phase III (Scheduled to Begin in June 2009)—This phase will encompass all other state prisons. Full implementation at all institutions will depend upon lessons learned during the Phase II implementation, including the level of noncompliance by inmates and the potential increase in violence, which could drive the need for additional administrative segregation/Security Housing Unit beds. The racial integration policy provides the ability to temporarily suspend the process for major

incidents where race is a factor. Each suspension will be temporary, and racial integration will continue as each obstacle is overcome.

The process recognizes that communication of the Department's intention to integrate to the inmate population is crucial. To this end, inmates have been provided pamphlets in English and Spanish explaining the racial integration expectations, and staff training has begun. All inmates will be viewing a racial integration video for almost a year prior to implementation. A disciplinary process for inmates that refuse to cooperate has been developed, and will serve as a disincentive to reject appropriate housing. Compliance with the policy will be rewarded with increased rehabilitative programs and privileges.

In recognition of the impact of gangs in the integration process, the Assistant Secretary, Office of Correctional Safety, has the lead on gang initiatives. Implementation of both initiatives will require the direct involvement of numerous divisions and offices, to include the Divisions of Adult Parole and Adult Programs.

CDCR's gang management efforts have historically focused on the suppression of gang activity through administrative and criminal prosecutions for gang-related conduct, and the identification and isolation of validated gang members. This effort will continue, but coexist with intervention strategies that provide gang members a realistic opportunity to disassociate from gangs, and be safely housed within the system without fear of reprisal. Realization of this goal will require transitional housing which allows inmates to earn their way back to the general population, and additional program space, both of which are obtainable with the implementation of AB 900.

The CDCR is reassessing its gang management policies. Nationally recognized experts will assist in this process by researching best practices from across the country that reduce gang violence, sustain inmate programming, and make both our prisons and communities safer. Consultants from the California State University Sacramento, Division of Criminal Justice, are also involved with the CDCR gang initiative development. The research will be complete before the end of the year, for concurrent application with racial integration.

No objectives on the scale of racial integration and gang interventions are without risk when implemented in the prison environment. The reasons our efforts will succeed, and form the basis for further rehabilitative efforts, involves the massive planning effort that keeps safety at the forefront at every step in the process

Health Care Receivership

As a result of a federal court case, U.S. District Court Judge Thelton Henderson last year appointed a receiver to operate the department's health care delivery system.

31. What is the department's current role in the delivery of inmate health care?

The medical component of the inmate health care system is currently under the direct authority and oversight of the *Plata* Federal Court Receiver. The Receivership Court Order provides that the Receiver have extraordinary authority to request waivers of law from the Federal Court in order to achieve a constitutional level of medical services to the California inmate population as it relates to the delivery of inmate health care. The Department's role is to ensure institutions provide inmate escort services to health care visits within the institution, providing custody support within clinical treatment areas, and arranging transports to outside health care providers. Out of institution transports include determining the level of security required by the inmate and arranging for custody staff, transport vehicles and other required chase vehicles. These services are provided for the medical, mental health and dental programs.

The Department retains responsibility for the inmate dental and mental health services programs. This includes the development of program components, the administration and management of these two programs and the direct provision of services to the inmate population. Both of these programs are under court orders to provide services at court-directed levels of care. The Department is moving forward to ensure that services in these programs are delivered in accordance with court orders and program requirements. In addition, CDCR is responsible for maintaining security related to all health care visits, within and outside the institutions.

The Mental Health Program, under the *Coleman* court order, provides outpatient, crisis and inpatient mental health services. Over 20 percent of the inmate population has been diagnosed with a serious mental disorder that requires regular mental health care. The Department provides a variety of levels of care and contracts with the Departmental of Mental Health for intermediate and acute inpatient services. Recent salary increases for clinical staff are expected to support compliance with *Coleman* court orders. There continues to be a substantial need for additional mental health beds that will require construction over a number of years.

The Dental Program, under the *Perez* Stipulated Agreement, is being implemented over six fiscal years, ending in December 2011. Currently, 14 institutions are implementing the Dental Program, with another 7 to begin implementation in July 2007. While the Dental Program is making major strides towards improved dental services, three critical program components are necessary for successful implementation of the *Perez* Agreement: adequate clinical space, adequate clinician salaries, and an automated service tracking and scheduling system.

Clinician salaries are addressed in the Governor's Budget. Additional resources will likely be required to address space and automation needs.

Finally, there are areas of program development and management that are common to all three programs and will require coordination between the Department and the Receivership. These areas include: space and building development, pharmacy services, information technology, contracting, hiring, credentialing and certain day-to-day operations (such as health care cost and utilization). The Receiver is proposing that the Receivership assume responsibility for most of these areas, including those for the mental health and dental programs. For activities undertaken by the Receivership on behalf of the Department that are ordered by the Coleman, Perez and Plata courts, I am seeking the inclusion in such court orders of provisions for appropriate input and coordination, as well as the establishment of performance measures that provide for transparency of action and that acknowledge CDCR decision authority for the Mental Health and Dental Programs.

There are some areas in which coordination of services common to medical, mental health and dental currently are working well, such as the process of reconciling personnel utilization amongst the programs. In addition, regular coordination of day-to-day matters between CDCR and the Receiver's management staff appear promising. Approaching all of these common areas in a spirit of common benefit requires agreement on appropriate management tools to permit CDCR to participate in establishing performance measures and regular information or reports with which to access results. These have not currently been provided and are being actively sought by CDCR at this time.

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Senate Confirmation
Kingston W. Prunty Jr.
Undersecretary, Operations
Responses to Senate Rules Committee Questions
June 19, 2007

Statement of Goals

1. ***You came out of retirement to accept this position. Please provide us with a brief statement of your goals as Undersecretary and explain what drew you out of retirement. What do you hope to accomplish during your tenure as Undersecretary?***

Prior to retirement in 2002, I served the Department for 31 years in a variety of capacities. Much of my experience was in operation and administration of correctional institutions. During my retirement I continued to serve the Department on an as-needed basis. I served as Regional Administrator for the Southern Region while a candidate was selected for that position. Later, I served as acting Warden for the California Rehabilitation Center, while the Department selected a candidate to fill that position. Subsequently, I was asked to lead a resource team for the California Institution for Men to help develop corrective action plans for addressing operational deficiencies identified by the Office of the Inspector General following the homicide of Correctional Officer Manuel Gonzalez. In early 2006, I was asked to help develop a COMPSTAT process for monitoring departmental operations.

Though I assisted the Department on a part-time basis during my retirement, I had never considered coming out of retirement and reinstating full-time until I was asked to do so by Jim Tilton, Acting Secretary. I had the opportunity to work for Jim previously and considered him to be a great leader. He is talented, innovative, and fair. Nevertheless, the decision was a very difficult one for me because it would require me to, once again, be separated from my family to serve the Department. I agreed to do it because of my belief that Jim Tilton was the right person to lead the Department at a time when the Department was facing unprecedented challenges.

As Undersecretary, what I hope to accomplish is improved public safety by incarcerating offenders in a safe and humane environment and providing rehabilitative programs focused upon the specific needs of the offender that will best prepare him/her for successful reentry into the community and reduce recidivism.

My goals are:

1. To enhance safety for inmates and staff within our institutions by:

- Hiring sufficient staff.
- Improving communication at all levels.
- Establishing effective monitoring systems.
- Simplifying and requiring consistent basic operations.

Senate Rules Committee

JUN 19 2007

Appointments

2. To improve Parole Operations by:

- Reviewing and revising training curriculum for parole agents.
- Providing clear, consistent policy direction and improved supervision.
- Improving coordination with local and state law enforcement agencies.
- Increasing resources available to meet the risks and needs of parolees.

3. To maximize opportunities for rehabilitative programs for inmates, wards, and parolees by:

- Fully using existing programs.
- Identifying and implementing additional evidence-based programs.
- Continually evaluating the effectiveness of programs.
- Migrating effective programs to additional locations.

4. To make the necessary improvements to bring operations of the Department to levels acceptable for court compliance by:

- Establishing a unit, in the Office of the Secretary, to actively interface with the courts and coordinate departmental actions.
- Taking proactive measures to identify and acquire resources necessary for court compliance.
- Effectively communicate and train staff regarding required corrective measures.
- Continually monitoring and establishing accountability systems.

Many of the goals I have set can easily be measured empirically, and I would use the following to measure my success:

1. Reduction in staff vacancies of all classifications.
2. Reduction in the levels of violence in institutions.
3. Increased access to existing rehabilitative programs.
4. Number of additional rehabilitative programs implemented.

During the past 10 months, significant progress has been made in hiring staff and filling vacancies. Critical positions have been filled in headquarters which now form the nucleus of a cohesive leadership team.

The peace officer recruitment and selection process has been retooled and has already made marked improvement in hiring larger numbers of entry-level staff. On June 15, 2007, the Department celebrated the graduation of the largest single class of new correctional officers in three years. We have been able to fill to capacity all of our

recent academies for all entry-level peace officer classifications for both the adult and juvenile divisions. We are now moving forward to expand our training facilities and capacities.

Leadership training for both managers and supervisors has continued to be provided to increasing numbers of staff of all classifications.

Departmental operations have been improved through regular COMPSTAT reviews. This has also contributed to training and development of our staff. The Office of the Inspector General has recently commented that the process has contributed significantly to the training, development, and performance of the wardens.

Eighteen new vocational programs have been added and an additional visiting day has been added at 10 institutions.

The Department has developed a new Project Management Unit to enhance our abilities to manage the increasing number of critical projects. This unit has also provided project management training to significant numbers of program staff, which has contributed to their skills and our effectiveness.

A previously established Court Compliance Unit has been reorganized and provided with additional resources and improvement has been realized in meeting court commitments.

However, my ultimate measure of success is more abstract and, therefore, less easily measured. That is, change in culture, philosophy, and environment within the California Department of Corrections and Rehabilitation (CDCR). The factors, some of which are listed above, that lend themselves more easily to measurement, and can also contribute to the evaluation of those that are more abstract. I have had the opportunity to experience positive cultural/environmental change in this Department. It was the result of continual education, reinforcement, and internalization of different principles and beliefs. In essence, it is "Rehabilitation" of the culture. It starts with changing observable behaviors but is not complete until the behaviors are consistent even when no one is watching. That often takes time.

2. *How should the Senate evaluate your performance?*

The Senate should evaluate me much like I would evaluate myself, that is, initially based upon some objective empirical data, with the understanding that, while numbers are only numbers, properly reported, they can demonstrate changes in behaviors and be indicative of movement toward cultural change.

In addition, the Senate should evaluate me based on my responsiveness to issues raised and my ability to meet my commitments.

Finally, I believe I should be evaluated based on my commitment to improving departmental operations, as well as the time and effort I have devoted to resolving issues needing my exclusive attention. For seven of the past ten months, I was the only Undersecretary, and had approximately 20 senior managers from Adult Institutions, Adult Programs, Health Care Services, Juvenile Justice and Support Services reporting directly to me. While there are still many issues within the organization that need to be addressed, I am proud of the many accomplishments my staff and I have made throughout the past ten months.

Reorganization and Coordination of Responsibilities

On July 1, 2005, the Youth and Adult Correctional Agency was reorganized pursuant to Senate Bill 737 into the Department of Corrections and Rehabilitation. The intention of the reorganization was to improve the effectiveness and efficiency of the departments and boards that made up the former Youth and Adult Correctional Agency.

- 3. *Given the overlapping and sometimes confusing relationship between custody and program functions, please clarify how the divisions under your supervision relate to each other in areas such as decision-making authority, accountability and evaluation. To the extent that you are still resolving some of these issues, please indicate this and provide an expected timeframe for clarification.***

Under the reorganization the Department not only changed our name, we changed the paradigm of our mission and our organizational reporting structure. We transitioned from a hierarchical pyramidal structure with rigid well-defined lines of authority and responsibility to a matrix structure which emphasizes communication across organizational lines and collaborative working relationships. Often any degree of change, especially in a large organization, is accompanied by significant challenges and adjustments. In the Department, there has been some confusion about roles and responsibilities and decision-making authority and we have struggled with it.

While I have a number of direct reports, there are four major divisions under my direct supervision. They are: Adult Operations, Adult Programs, Juvenile Justice and Health Care Services. All of these divisions are under the leadership and direction of a Chief Deputy Secretary and all have the same level of authority and responsibility for their divisions. Because fulfillment of their responsibilities often requires delivery of services to the same populations, and decisions made by one division impacts the others, there continues to be potential for conflict and confusion. I have scheduled weekly meetings with all of the Chief Deputy Secretaries and also conduct individual meetings with them to discuss and resolve conflicts. Each of the Chief Deputy Secretaries is also a member of the Secretary's Cabinet and participates in regularly scheduled meetings where departmental issues and conflicts are discussed.

Because custody and program functions in the Division of Juvenile Justice are both under the leadership of one Chief Deputy Secretary, Juvenile Justice has not been the subject of the level of confusion that has characterized the relationship between Adult Programs and Adult Operations.

To provide the necessary clarification and reduce any confusion that previously existed, direction is given that:

- The Chief Deputy Secretary, Adult Programs, is responsible for identification, development, resourcing, monitoring, and evaluating evidence-based and other promising programs for adult offenders, as well as migrating best practices to other locations and responding to requests for assistance in providing additional programs.
- The Chief Deputy Secretary, Adult Operations, through the Directors of Adult Institutions and Adult Parole, is responsible to ensure wardens and regional parole administrators implement programs.
- Wardens and parole administrators are responsible for implementing programs in their areas of responsibility. This includes identifying and procuring space, hiring staff, and assigning inmates and parolees as appropriate. Wardens and regional parole administrators are also responsible for identifying opportunities for new programs and raising the requests for assistance in obtaining resources for them.

The responsibility for rehabilitative programs is likened to that of a corporation in which the corporate office makes policy and funding decisions while on-site managers administer the programs at the operational level. It is this cooperative, mutually beneficial relationship that will lead to effective programs, improved offender success, and enhanced public safety.

This message is repeated at existing executive staff meetings and to further develop the relationships between Adult Programs and Adult Operations, the Chief Deputy Secretaries and their direct reports have initiated additional meetings.

Each Chief Deputy Secretary is empowered and expected to make decisions necessary to the operation of their areas of responsibility. With that delegation of authority, they are also expected to work collaboratively with one another when their decisions may have an impact on another area. It is expected that they will identify the stakeholders, involve them in the decision-making process from the beginning, obtain their input and reach the best decision. When decisions cannot be reached at the lowest possible level, the points of conflict are to be raised to the next level for resolution. Any decisions that involve a major change in policy, that are highly sensitive, or those that require additional resources, in terms of funding, equipment, or personnel are expected to be fully vetted through the Office of the Secretary prior to finalization.

I believe that with the recent direction, the message is clear. Consistent reinforcement at every opportunity will eliminate the confusion.

One of the concerns about the reorganization was that it would require all issues to be raised to the Secretary and Undersecretary for approval or resolution.

- 4. What authority do the Chief Deputy Secretaries have that does not require your approval? Please provide examples. In the past the Directors of the Youth Authority and the Department of Corrections had a great deal of autonomy. What is the role of the Division Directors under the current structure?**

One initial result of the reorganization was that there was a new structure, new positions, and new reporting relationships. This did result in some initial confusion and had the effect of elevating decisions upward. A major contributing factor has been the lack of stability in the management team.

My experience with the Department, prior to the reorganization, was that in the previous reporting structure there was also some confusion in levels of authority for decision-making. This was addressed by the formal structured delegation of signature authority in a formal policy directive. The Department is currently working with an outside consultant to assist us in formulating a formal, written, organizational delegation of authority policy. It will define high-level, critical decision-making, and authority levels throughout the Department.

Each Chief Deputy Secretary is empowered and expected to make decisions necessary to the operation of their respective areas of responsibility. Examples include appropriate delegation of authority to their staff, assignment of personnel, approval of program changes as necessary, and allocation and utilization of resources within their areas of responsibility to meet operational needs. With that delegation of authority they are also expected to work collaboratively with one another when their decisions may have an impact on another area. It is expected they will identify stakeholders, involve them in the decision-making process from the beginning, obtain their input, and reach the best decision. When decisions cannot be reached at the lowest possible level, the points of conflict are to be raised to the next level for resolution. Any decisions that involve a major change in policy, that are highly sensitive, or that require additional resources, in terms of funding, equipment or personnel are expected to be fully vetted through the Office of the Secretary prior to finalization.

Department directors have historically been charged with the responsibility, authority, and expectation that they would lead and direct their departments. The reorganization created additional levels of authority at the Chief Deputy Secretary level that now provide direct oversight of directors. However, the expectation remains that the directors will have the responsibility and commensurate authority to lead and manage

their areas of responsibility. Directors are expected to make all decisions within their areas of responsibility and elevate only those decisions, which cannot be resolved at a lower level.

5. ***Recently the department recommended adding a second undersecretary position to be responsible for program support functions. Given that almost every operational decision has a support component, how will managers know where to go for decisions or approval? For example, what process will a prison warden or a juvenile facility superintendent have to go through to implement a new self-help program, establish additional correctional officer positions or reallocate unspent funds within their own budget?***

The addition of the second Undersecretary will greatly contribute to the organizational effectiveness of the Department. With only one Undersecretary, the span of control and areas of responsibility were clearly too large to be effectively managed. Additionally, the organizational structure is not dissimilar to the pre-existing structure of the Department where there were two chief deputy directors, one to oversee operations and the other to oversee support functions. Operational managers will, as they have in the past, use their existing chain of command to raise issues impacting them. There are, and will continue to be, well-established procedures for requesting additional staffing and funding. New self-help and other programs can be addressed through the operational divisions and coordinated with program divisions. Decisions regarding points of disagreement at lower levels can be elevated for higher-level review and resolution.

6. ***One of the stated goals of the reorganization was to achieve consistency over policies and practices in a broad variety of areas such as custody, maintenance, and visiting. In what areas do you expect to find consistency? How will you monitor and evaluate this? Who is responsible for this? One of the earliest concerns by the Legislature about the reorganization was that juvenile justice issues would be lost among adult operational issues. How do you ensure that the desire for consistency does not inappropriately interfere with the distinct mission of the different divisions under your supervision?***

Achieving consistency in policy and practices throughout the Department is a goal which we aggressively continue to pursue and to which we devote attention and resources. Title 15 of the California Code of Regulations, commonly referred to as "The Director's Rules" provides the basis for consistent policy and procedures. Similarly, the Departmental Operations Manual serves as further foundation of the desire for and pursuit of consistent policy throughout the facilities for adult offenders. In the Division of Juvenile Justice there are specific manuals for providing consistent policy for youthful offenders. The State Administrative Manual provides consistent policy for

fiscal operations. There are also various other manuals for providing consistent policy for specific areas.

The reorganization of the Division of Adult Institutions into mission-based areas of responsibility under the direction of Associate Directors was also intended to provide consistency by grouping institutions with similar functions under one administrator.

There are many areas in which I would expect to find consistency. With some allowance for differences in physical plant, I would expect to find a high-level of consistency in adult institutions in:

- Entrance gate procedures.
- Count procedures.
- Key and tool control.
- Mail and visiting procedures.
- Transportation procedures.
- Classification.
- Inmate discipline.
- Appeals.
- Alarm response.
- Incident reporting.
- Use of force policy and review.
- Indecent exposure procedures.
- Management and reporting of modified programs.
- Personnel and accounting practices.
- Employee discipline.
- Inmate assignments procedures.

In Adult Parole, I would expect to find a high level of consistency in:

- Parolee supervision based on classification need.
- Parole and Corrections Team (PACT) procedures.
- Parole Planning and Placement (PPP) procedures.
- Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessments.
- CalParole/LEADS.
- *Valdivia* compliance.
- High Risk Sex Offender (HRSO) procedures.
- Global Positioning Systems (GPS) monitoring.

In Juvenile Justice Facilities I would expect to find a high level of consistency in:

- Delivery of education services.
- Security (key control, ward movement, count, searches).
- Ward discipline.
- Mail and visiting procedures.
- Ward appeal procedures.

In Juvenile Justice Parole units, I would expect to find a high level of consistency in:

- Parolee supervision based on classification and need.
- Transitional casework services (i.e. substance abuse; mental health).
- Consistency in parole revocation processes.
- Group home placements.
- Documentation system, field notebook, contacts, case review summaries, discharges, and violation reports.

Establishing consistent policy is only half of the equation. There must be systems in place to evaluate practice against the policy. It is my expectation that monitoring of policy and practice is a priority of Chief Deputy Secretaries, Directors, and their subordinate managers. I monitor and evaluate consistency on an ongoing basis by review of Daily Briefing Reports, holding regular meetings with the Chief Deputy Secretaries, employee bargaining unit representatives, through formal regular reviews via COMPSTAT, and personally when I conduct site visits and tours of the various areas.

Additionally, the Department will soon re-implement regularly scheduled audits previously referred to as Combined Compliance Reviews and Peer Reviews. These are formal reviews of operations designed specifically to determine consistency in complying with departmental policy. The reviews provide a formal report documenting the level of compliance and noting specific deficiencies. Following the reviews, the manager of the area reviewed will be required to prepare a Corrective Action Plan to address the deficiencies. There will be a follow-up review to ensure corrective measures are taken.

While the Division of Juvenile Justice is an integral element in the CDCR, I recognize the distinct differences between the management of adult and juvenile offenders and have maintained a "fire-wall" between the two divisions. The Division of Adult Institutions and the Division of Juvenile Justice maintain separate operational and policy manuals. Where additional consistency can be achieved it will be pursued. I will continue to expect consistency with policy applicable to adult offenders at adult facilities as I will expect consistency with policy applicable to juvenile offenders at juvenile facilities, but I will also continue to recognize the distinction in missions.

7. ***Given the many pressing challenges you face on a day-to-day basis and the significant difference in the size of divisions under your jurisdiction, how do you divide your time and balance priorities among the areas under your supervision, including adult operations, adult programs, and juvenile justice? How do you keep yourself abreast of the relevant issues in each area? How often are you able to visit adult and juvenile facilities or parole offices? Do you meet regularly with wardens, superintendents, and parole administrators? Do you meet regularly with family councils or other advisory groups?***

Balancing priorities is certainly a challenge, but size of division, for me, has not been the determining factor in allocation of available time. Often because of a pressing issue, in a given division, a larger portion of time must be temporarily allocated to addressing that issue. However, I schedule time with each division on an equitable basis. That is, Chief Deputy Secretaries are all members of executive staff and all attend regularly scheduled staff meetings with the Secretary and the two Undersecretaries where they have the opportunity to keep us abreast of their relevant issues. Additionally, I have scheduled weekly meetings with the Chief Deputy Secretaries and other staff that report directly to me for the purpose of sharing of relevant information and keeping abreast of issues affecting their areas of responsibility. Over the last several months, because of issues impacting the Division of Juvenile Justice, I have had individual meetings with the Chief Deputy Secretary of Juvenile Justice to better focus on those issues.

On average, over the last 10 months, I have made two site visits a month. I have visited both adult and juvenile facilities and adult parole facilities. Wardens' meetings are conducted at 60-day intervals. I have met with wardens as a group twice and with superintendents as a group once. I have met with wardens, superintendents, and parole administrators frequently at COMPSTAT reviews. The arrival of the second Undersecretary and the reallocation of functional responsibilities will enable me to increase my site visits significantly.

Meetings with the departmental Inmate Family Council are scheduled at regular intervals, and while it has been my practice to attend the meetings, I have not recently met with them. I have, however, met with a number of advisory groups including bonafide employee groups and bargaining unit representatives.

Monitoring Progress

8. ***What benchmarks do you review on a regular basis to determine whether individual adult and juvenile facilities and parole offices are operating safely and promoting the department's mission? What red flags do you look for on a regular basis?***

The quarterly COMPSTAT reviews provide a forum for the executive leadership of the Department to formally monitor effectiveness of operations in a variety of designated areas of the Department, including but not limited to, adult and juvenile institutions, and parole operations. The reviews are intended to identify problems or potential problems early on and to focus attention and direct resources to resolve those problems. Through the reviews Best Practices can also be identified and evaluated for implementation on a broader scale. Current performance is compared with prior quarter performance as well as with other institutions, facilities, or parole offices. The data reviewed involves hundreds of elements. Examples of major elements are number and type of incidents including "use of force", population management including Administrative Segregation populations, inmate/parolee appeals, inmate/ward discipline, inmate assignments to rehabilitative programs, employee grievances and complaints, staff vacancies and budget management.

The COMPSTAT reviews, while still evolving, have resulted in more focused attention on functions identified and marked improvement in numerous areas of operations. Data gathered over the last year has helped establish baseline performance. From this baseline data more specific performance measures will be developed over the next several months. The performance measures will do more than just monitor performance; they will set standards and expectations for performance.

Any changes in individual data elements could trigger a red flag. For example, an increase in total number of appeals or an increase in types of appeals would raise a red flag. Similarly, an increase in disciplinary reports and/or specific types of disciplinary reports would raise a red flag and warrant further review. Conversely, a drop in inmate assignments to programs raises a red flag and again warrants further review.

9. ***The Department received \$52.8 million in the current year for recidivism reduction efforts and is expected to receive significant funds for similar efforts in next year's budget. Please describe the Department's ability and future plans to use information technology to gather data and evaluate rehabilitative programs.***

Currently, much of the data collection in the Department is not sufficiently automated, which presents a challenge in effectively evaluating rehabilitative programs.

However, in April of this year, the Division of Addiction and Recovery Services (DARS) implemented a database to track program participation. It enables the Department to monitor the proportion of inmates who leave our in-prison Substance Abuse Programs (SAP) and go to aftercare programs in the community as well as the length of stay in aftercare and will track recidivism rates. The database will be utilized to help measure the performance of each substance abuse treatment program.

In the absence of the information technology infrastructure needed to operate a school system that serves approximately 47,000 students in a variety of learning environments, the Department initiated a Test of Adult Basis Education (TABE) stand-alone data base last year. This database, although newly created, is accessible to designated education staff at each adult facility. It functions to reduce re-testing of offenders as they transfer between institutions. Ad hoc reports can also be produced to measure student gains.

The Department is, however, currently planning and executing several significant enterprise-wide information technology projects that when complete, will comprehensively integrate and automate the Department's core business functions, as well as those required to effectively manage offender related activities and data, including data necessary to evaluate rehabilitative programs and assess Recidivism Reduction Initiatives.

While we are presently implementing a number of Information Technology (IT) projects, the four most critical to this effort are:

1. The Consolidated Information Technology Infrastructure Project (CITIP).

This project will provide the technological foundation upon which all other enterprise IT projects and systems will depend for connecting staff, statewide, to the people and information required to fulfill their daily responsibilities.

2. Juvenile Justice Infrastructure Migration.

This past year the Department completed the migration of all Juvenile Justice staff workstations from MAC to PC. In the next year, the Department will complete this migration for all student workstations. At that time, the Department will be operating on one standardized desktop computing platform.

3. Business Information System (BIS).

This project will implement a commercially available, customized off-the-shelf Enterprise Resource Planning solution, and will enable the CDCR to streamline, automate, and integrate its department-wide core business functions.

4. Strategic Offender Management System (SOMS).

This project will provide an automated enterprise offender case management system to replace the manual paper files, and improve and standardize population management practices throughout the Department. It also consolidates the functionality of multiple existing institution and parole systems into a single enterprise data base for both juvenile and adult offenders.

The longer-term plan to address educational infrastructure needs is implementation of the Education for Inmates Reporting and Statewide Tracking (EdFIRST). This system would efficiently track and report student participation, progress, and achievement data. It would interface with SOMS.

10. ***The Adult Education Branch has proposed acquiring a system designed to track and report student participation, progress, and achievement data and eventually linking that to an electronic version of an inmate's file. Is the Department continuing to pursue this proposal? Please describe the status and expected timeframes for implementation.***

The Department is continuing to pursue the Education for Inmates Reporting and Tracking (EdFIRST) system. Should the Department obtain approval for this system, it will eventually link to the SOMS. The Department is pursuing a contract for a "gap analysis" (a study of the two systems to determine if all the required information will be maintained by at least one of the systems) and use that information to integrate them. It is anticipated that information will be available in time for the next budget cycle.

Assuming approval for this system, it will be operational in June 2011.

Assembly Bill 900

On April 26, 2007, the Legislature approved the Public Safety and Offender Rehabilitation Services Act of 2007. This Act will finance construction of space for 40,000 state inmates and create a broad range of performance measures that the Department must meet. It will also expand a number of existing programs under your jurisdiction.

11. ***Who will be responsible for implementation of AB 900? Which portions will be under your supervision? Which will be under the supervision of the other undersecretary? What role will you play in monitoring implementation?***

The ultimate responsibility for the implementation of AB 900 rests with the Secretary. Operational implementation rests squarely on the shoulders of both me as the Undersecretary of Operations, as well as on Mr. Steve Kessler, as the Undersecretary of Program Support. The Administration has formed two highly qualified Strike Teams to assist the Department with the implementation of AB 900 and to remove implementation barriers. The key to the successful implementation of AB 900 is effective leadership, and cohesive, unified interaction with the Strike Teams and between operations and support.

The primary areas under my supervision include:

Rehabilitative Program Projects:

1. Incentives to Increase Inmate Participation.
2. Expand Substance Abuse Treatment Services in Prison.
3. Conducting Assessments of all Inmates.
4. Day Treatment and Crisis Care Services.
5. Prison to Employment Plan.
6. Establish Reentry Program Facilities.

Each of the rehabilitative areas focuses heavily on the combined efforts of Adult Programs and Adult Operations.

Management Projects:

1. Transportation of Inmates from Prison to Parole.
2. Interstate Corrections Compact.

Mr. Kessler's primary supervision areas include:

Construction Projects:

1. Design, Construct and Renovate 7,484 Beds.
2. Design, Construct and Renovate 4516 Beds.
3. Establish a Southern Academy.
4. Infrastructure Improvements.
5. Medical/Dental Mental Health 6000 Beds.
6. Master Plan.
7. Temporary Buildings.

Each Construction Project includes important coordination efforts with Adult Program and Adult Operation areas.

Jail Bonds Project:

1. Corrections Standards Authority.

Management Projects:

1. Management Deficiencies Plan.
2. Additional Rehabilitation and Treatment Services.

My role in monitoring implementation includes, but is not limited to:

1. Assignment of Chief Deputy Secretaries and other departmental resources as needed to support each Strike Team.
2. Daily briefings from each operational area, including status updates regarding barriers and problem resolution.
3. Daily briefings between and among the Secretary and both Undersecretaries, and attendance at meetings with the Strike Teams.
4. Daily focus on coordination efforts required for the successful implementation of AB 900, providing individual direction to and between staff and respective primary areas of supervision.
5. Daily communication with staff.

With the leadership of Secretary Tilton, the dedication of CDCR staff, and the expertise and assistance each Strike Team will provide to CDCR, it is my firm belief that this Department will meet the objectives set out in AB 900.

- 12. *AB 900 requires the Department to assess inmate needs for education, mental health, and substance abuse treatment services and to expand the availability of these services. Please describe your role in developing this plan and monitoring its implementation? What will be the role of the Chief Deputy Secretaries and the Division Directors? Please identify key milestones and expected timeframes.***

Utilizing the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) risk and needs assessment, the Division of Adult Parole began conducting inmate risk and needs assessments approximately 18 months ago, whereby between 240-120 days prior to release to parole an inmate is assessed for his risk and needs for reentry into the community. Based on the assessed risk, the appropriate level of parole supervision can be designated. Based upon the needs identified the parole plan will provide links to community services to meet those needs.

It is the Department's goal to incorporate a risk and needs assessment for all inmates immediately upon arrival at one of the CDCR reception centers and up-date the risk and needs assessment at appropriate periods throughout incarceration to provide effective, relevant prescription programs directed to meet the needs identified. Over the past year the Chief Deputy Secretary of Adult Programs, and the Chief Deputy Secretary of Adult Operations, have been working toward implementation of assessments of offenders upon reception. The first major milestone, Phase I, will be reached this month with four reception centers beginning to administer the COMPAS instrument for both male and female offenders. The first four reception centers include: Deuel Vocational Institution, Valley State Prison for Women, California Institution for Women; and Richard J. Donovan Correctional Facility. The second major milestone, Phase II, will implement the risk and needs assessments at all other reception centers by June 2008.

Departmental managers and the Strike Team are collaborating on an action plan that is expected to incorporate the recommendations of the Expert Panel. A preliminary action plan will be completed during the first quarter of Fiscal Year 2007/08. It will be refined and updated and it is expected there will be a fairly stable ongoing plan by the end of the fiscal year. The plan will be in place before we implement the first of the in-fill beds.

My role is to provide leadership, coordination, assistance, and resources for staff to overcome barriers in order to implement the assessments and expand available programs to meet the risks and needs identified. The Chief Deputy Secretaries will be responsible for working collaboratively, across organizational lines to identify and/or develop appropriate assessment tools, for the development of a cohesive plan for conducting the assessments and for identifying sufficient services. The division directors will be responsible for implementation of these assessments and providing access to services at the operational level in their areas of responsibility. I will require formal reporting by the Chief Deputy Secretaries at regularly established intervals to ensure assessments are conducted and access to services is provided.

Juvenile Justice Reform

13. *What is your role in monitoring the implementation of the juvenile justice reform efforts required by the court in the Farrell lawsuit? Specifically, how do you track progress? While many of the Farrell commitments relate to program operations, there are also many that fall under the program support area. How will you and the Undersecretary of Program Support coordinate oversight of key initiatives, such as this, which fall under both areas?*

My role is to provide leadership, direction, and support to the Chief Deputy Secretary of the Division of Juvenile Justice as we move forward to implement the reforms required in the *Farrell* Remedial Plans. The Chief Deputy Secretary reports directly to me which provides for access as needed and the forum for the Chief Deputy Secretary to keep me fully apprised of the progress and barriers in implementing the reforms.

I have also scheduled regular weekly meetings with all the Chief Deputy Secretaries and other staff that report directly to me to provide an avenue for communication of issues affecting the Department and each of their areas of responsibility. Most recently, because of the challenges faced by the Division of Juvenile Justice, I have scheduled an additional weekly meeting with the Chief Deputy Secretary and have had additional ad hoc meetings. When the Chief Deputy Secretary has other commitments or is otherwise unavailable, I contact other members of his staff for information.

The Chief Deputy Secretary, as a member of the executive staff, also attends regularly scheduled weekly meetings with the Secretary, me, the Undersecretary, Program

Support, other Chief Deputy Secretaries and a number of other high-level Department staff.

A formal process, entitled Executive Status Review (ESR) was initiated several months ago to provide a forum for regular, formal review of specific priority areas of the Department. The ESRs are coordinated by the newly established Project Management Unit, to facilitate monthly updates of progress in the designated priority areas. The progress of the Division of Juvenile Justice in implementing the *Farrell* reforms is one of the priority areas regularly reviewed via the ESR.

As noted the Undersecretary and I, as well as the Secretary, conduct a number of regularly scheduled meetings with other members of the executive staff of this Department. We also conduct other individual and ad hoc meetings as necessary to address emergent issues.

The Secretary also has daily scheduled meetings with the two Undersecretaries to address each of our areas of responsibility. Additionally, the Undersecretary, Program Support, and I meet regularly. We have formed a cohesive management team and work cooperatively together to address issues across organizational lines. We work closely together to provide unified leadership and oversight.

14. *How will you ensure that the resources needed for AB 900 will not have a deleterious impact on the department's other priorities, specifically, juvenile justice reform?*

The expectations delineated in AB 900, the Public Safety and Offender Rehabilitation Services Act of 2007 are enormous and the resources necessary to meet those expectations will also be enormous. However, the Juvenile Justice reforms required by the *Farrell* Remedial Plan, though smaller by comparison, are also of great magnitude and will require significant resources. Additionally, even with the enactment of AB 900, the Department is not relieved of the responsibility to fully implement the reforms required by the *Farrell* Remedial Plan. The Secretary has set the expectation that as we move forward to meet the demands and expectations in AB 900, that support staff is responsive to the needs of all program areas and that the resources needed for the juvenile justice reform also be identified and provided. It is my responsibility to work collaboratively with the Undersecretary, Program Support, to meet that commitment.

15. *As a result of last year's budget discussions, the Department identified the Heman G. Stark Youth Correctional Facility in Chino as one of the first facilities to be converted to the new model. We have recently learned that the Heman G. Stark Youth Facility may be closed during the next fiscal year if a realignment proposal is adopted. Please explain how the Department is simultaneously preparing to reform and close the same facility. What would be the expected time frame for closure?*

The extent of the realignment proposal and its impact on the Division of Juvenile Justice will not be fully known until Legislative action is taken on the Governor's realignment proposal. If intake stops, effective July 1, 2007, and all eligible youthful offenders are realigned to the counties, the population of the Division of Juvenile Justice will decline to approximately 1500 by the end of FY 2007/08. This would necessitate the closure of the Dewitt Nelson Youth Correctional Facility and possibly the Heman G. Stark Youth Correctional Facility. As a matter of policy, the Department is committed to implement all reforms in the Division of Juvenile Justice, as outlined in the *Farrell* Remedial Plan regardless of the size of the juvenile offender population under the jurisdiction of the California Department of Corrections and Rehabilitation.

The Department is in the first year of implementation of the juvenile justice reforms. Therefore, most of the efforts in furtherance of the reforms are in the establishment of the infrastructure to improve the safety of the facilities and enhance programs. Hiring of staff, enhancing training, development of appropriate treatment interventions in conjunction with the risk/needs assessment instrument are all continuing and are not entirely impacted by issues associated with potential closure of facilities. While the Department is somewhat delayed in implementing the action plans at both Dewitt and Stark, once the Legislature acts on the realignment proposal, the Department will move forward more aggressively to implement the reforms consistent to the population which remains. Similarly, until the final decision is made regarding the realignment proposal, a specific time frame for closure is speculative, at best.

Gangs and Violence

Racial segregation has been used in California prisons as a way to separate prison gangs and reduce violence. But in 2005 the U.S. Supreme Court ruled that the State could segregate prisoners by race only in rare instances. In the wake of the decision, the State announced a legal settlement phasing out segregating inmates along racial lines.

16. What progress have you made toward implementing the settlement? What is your timetable?

It is CDCR's policy to balance the inmate population in all assignments including work, education, vocational training, and other rehabilitative programs.

Some incidents do occur between different races which may require temporary suspension of activities and separation of the racial groups until the dynamics of the incident can be determined and resolved. When that has been completed, the institution returns to normal program as soon as it is safe and practical to do so, including balanced assignments of all racial groups.

In order to address gang violence, it is also sometimes necessary to temporarily and in some cases, for extended periods of time, separate the gang factions.

The dynamics of each incident are thoroughly evaluated, and a determination is made as to the best course of action for returning to normal program activities.

Regarding *Garrison S. Johnson v. State of California*, the Department further committed to integration in in-cell housing assignments.

The Department has made significant progress regarding the Integrated Housing Policy (IHP).

In the development phase of the project, staff visited the Texas Department of Corrections (TDOC), where racial integration was successfully accomplished and developed procedures for implementation in California using a similar approach, and TDOC staff expertise as project consultants. To date the Department has:

1. Developed regulation and policy language outlining departmental expectations of staff and inmates regarding the IHP.
2. Developed lesson plans on IHP with current training of staff statewide.
3. Developed a video on IHP utilizing Department staff and actual CDCR inmates extolling the reality of IHP and its potential for positive impact on inmate lives. The video is incorporated into staff training, inmate orientation and inmate education television channels.
4. Developed bilingual handouts (English/Spanish) for inmates.
5. Developed coding based on relative case factors.

The Department has adopted a three-phase program to implement this important objective:

Phase I (Began In February 2007): This phase entailed an information technology component to allow the coding of inmates based on case factors related to integration. This coding will provide access to information describing if an inmate has been a victim or perpetrator of racially-motivated violence, and document any refusal of an inmate to participate in the racial integration process. This has already begun in CDCR reception centers.

Phase II: This phase will allow selected institutions to use the Phase I coding to make housing decisions that do not use race as a sole determining factor in the decision. This is a crucial phase that will allow departmental decisions on the planned full implementation in Phase III. Lessons to be learned during this phase include real data on the number of inmates who refuse to cooperate and are thereby subjected to the disciplinary process and related sanctions. At the conclusion of this phase, the Department will be better able determine how to roll out the final phase.

Phase III: This phase will encompass all other state prisons. Full implementation at all institutions will depend upon lessons learned during the Phase II implementation, including the level of noncompliance by inmates and the potential increase in violence.

17. *What safeguards have you put in place to ensure safety and monitor progress?*

In-cell racial integration is probably the single biggest change in departmental policy in the history of the Department. It is major change not only in policy but in philosophy and will be central to creating a rehabilitative environment.

The Department recognizes that such a major shift in policy has the potential for increased violence during the initial implementation of the IHP. As such, the Department will implement the IHP in a strategic, methodical fashion, with initial pilot institutions and increased staffing.

Additionally, the Department has incorporated an assertive disciplinary processes for those inmates who refuse to cooperate. Inmates who refuse to cooperate will be subject to program and privilege restrictions. Repeated refusal may result additional disciplinary and/or classification action and removal from the general population, as appropriate. Conversely, inmates that comply with the policy will be afforded increased access to rehabilitative programs and corresponding privileges.

All custody staff will be fully trained regarding the expectation of IHP. All inmates have been provided pamphlets in Spanish and English since August 2006, with ongoing dissemination explaining IHP expectations continuing. All inmates will be viewing the IHP video for almost a full year before actual IHP implementation.

The Department will monitor inmate violence and gang activity in relation to IHP by individual institutions reporting on a daily basis and statistically through the Department's COMPSTAT process. Additionally, the Department has developed contingency plans for temporary cessation of implementation approved by the Associate Directors should major incidents regarding race as the causal factor occur. Each suspension will be temporary and racial integration will continue as each obstacle is overcome.

18. *Are California prisons addressing prison gang issues appropriately? What can the Legislature do to help you? Are there additional actions CDCR should take?*

The strength and influence of gangs in our prisons is undeniable, just as it is undeniable in our communities. It is my conviction that gangs are the single biggest threat to public safety in both our prisons and in our communities, and that gangs are the single biggest

obstacle to the Department in providing effective rehabilitative programs. Gangs and gang activity are at the core of the majority of the violence in our institutions that result in the lockdowns and other restricted activities that reduce access to existing rehabilitative programs. Further, gangs threaten, intimidate, and coerce other inmates to become involved in criminal activity who would otherwise not become involved if another option were available.

Estimates are that as much as one-half of our population or more are involved in gang activity to at least some degree. By contrast, there are only 75 Institutional Gang Investigators monitoring gang activity within our prisons and a handful of Special Agents assisting the prisons and law enforcement in the community. These staff are performing admirably considering the resources provided and the increasing magnitude of the problem.

The Department has worked consistently and diligently for decades to address and effectively combat gangs and gang activity in our prisons and in our communities. But, while the problem has increased in magnitude and complexity, the Department's response has not kept pace. Our policies have changed very little, and resource allocations to address the problem have decreased.

The tremendous level of overcrowding in the Department and the high staff vacancy rates, coupled with increasing numbers of relatively inexperienced staff and limited resources have all served to exacerbate the problem.

Traditionally, the Department has focused on suppression of gang activity through administrative remedies and criminal prosecutions of gang members involved in criminal conduct while incarcerated. And, historically, the departmental policy has distinguished between prison gangs and street gangs. There are many street gangs and membership far exceeds that of prison gangs, but many of the street gangs have some association or relationship with the prison gangs.

To more appropriately and effectively manage gangs, and gang activity, the Department must reevaluate current policy and allocate sufficient resources to address the increasing complexity and magnitude of the problem.

The Legislature has already provided some assistance. In the current budget year the Legislature authorized \$200,000 funding for the Department to review its gang management policies. The Department has contracted with nationally recognized experts in the field to assist in this process. The project will research existing best practices from across the country for possible application in the Department. The goal is to develop better gang management strategies that reduce gang influence and the associated violence, and enhance our ability to more effectively provide rehabilitative programs that contribute to safer prisons and communities. This comprehensive review is in progress and it is anticipated that the experts and our research partners, the

California State University, Sacramento, Division of Criminal Justice, will complete the review and provide us with findings and recommendations by the end of the year. This project will be the foundation for the Department to revise its policies consistent with identified, best practices, industry standards, and evidence-based programs.

The Legislature can provide significant assistance by approving the Administration's proposed anti-gang initiative: The California Gang Reduction, Intervention and Prevention (CalGRIP) Program. This initiative encompasses a broad range of solutions, from education and community-based gang prevention programs for youth, to the development of a statewide coordinator in the Office of Emergency Services to assist local agencies coordinate their anti-gang programs in a more unified approach with other jurisdictions.

There are several important measures in CalGRIP specifically to assist the Department in gang prevention, intervention, and suppression efforts.

The Department is also moving forward with additional efforts to provide better training to our staff, increased opportunities for inmates to both avoid involvement in gang activity and/or disassociate themselves from gangs and to provide a safer living environment for inmates who want to take advantage of rehabilitative programs.

Effective and appropriate management of the gang problem requires prevention, intervention, and suppression efforts, and a consistent, unified approach involving our communities, local law enforcement, and the Department.

Lockdowns and Calipatria State Prison

Before you were appointed to your position, Calipatria State Prison experienced a very violent incident, the most violent incident since the prison opened in 1992. According to Department officials, this lockdown lasted 18 months for some inmates, well into your tenure. During this time there was limited education programming.

- 19. Please describe your role in monitoring issues such as this? How are you informed when there are extensive lockdowns? At what point, would you expect to be notified? Who is ultimately responsible for monitoring issues such as this?**

As the Undersecretary, Operations, all of the institutions are under my area of responsibility. While, I have the ultimate responsibility for monitoring the operations of the institutions, my role is to provide clear policy, leadership, and direction to subordinate managers who have more direct responsibility for the daily operations and monitoring. Each Warden is charged with the responsibility to effectively and safely manage all aspects of the daily operations of the institution, including, but not limited to, providing inmates with the greatest possible access to rehabilitative programs. Direct

oversight and monitoring of the Wardens is the responsibility of the Associate Directors. The Director of Adult institutions and the Chief Deputy Secretary, Adult Operations, respectively, provide additional levels of oversight and monitoring of institution operations. I am informed, on a daily basis, of significant incidents affecting the operations of the institutions directly by the Chief Deputy Secretary and by automated Daily Briefing Reports submitted by the Associate Directors. I do not, on a routine basis monitor the restrictions on program activities at the institutions and the efforts to return to full program activity. This is delegated to the subordinate managers and there are well-defined policies and procedures with which they must comply. I would expect to be notified when subordinate managers have exhausted all efforts or need additional resources and direction to bring operations back to normal program levels. Calipatria was not locked down for 18 months, but had made continuing efforts, consistent with departmental policy, to return to more full programming since the initial incident occurred.

Some additional detail is offered for clarification.

With some frequency, incidents occur within institutions of the Department that may require some temporary restriction of activities. Examples include, but are not limited to, inmate initiated acts of violence, loss of essential power/utilities, and the outbreak of infectious diseases. Any restriction of program activities must be reported. Wardens are expected to immediately verbally notify their assigned Associate Director. Any restriction on program activity which exceeds 24 hours requires the generation of a formal written report, called a Program Status Report, to the Associate Director. The initial report must specify the level of restriction, the reason for the restriction, the area and population affected, specific restrictions on programs, privileges and services, as well as actions taken to resolve the circumstances that caused the restrictions and an estimated date of return to normal program.

For consistency in reporting, departmental policy defines levels of restrictions on program activities.

- Normal Program: The ability of offenders to participate in all assignments and privileges according to departmental and institutional procedures governing them.
- Modified Program: The suspension of any operation, procedure, service or function to prevent, contain or control a disturbance. This will typically only encompass a portion of an institution or a segment of the population.
- Lockdown: The restriction of all offenders to their cell/dormitory beds encompassing no less than an entire facility.

- State of Emergency: The need to temporarily suspend any non-essential operations, procedures, services or functions, and the corresponding normal time requirements (i.e., classification committee actions, inmate disciplinary process, inmate appeal time constraints, etc.) to prevent, contain or control a significant/ major disturbance.

While any restriction on program activities may be referred to as a lockdown, actual lockdowns are rare and limited in terms of time imposed. When any restriction is placed on program activity, departmental policy requires return to normal program activity as soon as it practical and safe to do so.

After the initial written program status report is submitted, weekly status reports are required to further document actions taken to resolve the underlying causes and return to normal program activities. The weekly status report must be submitted until return to normal program is achieved. Additionally, a weekly formal summary report must be submitted by each Associate Director listing each institution under their supervision and noting whether it has normal program or has some level of restriction. Restrictions on programs lasting more than 60 days requires additional reporting and more direct intervention by the Associate Directors and possibly the Director to formalize additional strategies to resolve the problems.

In relatively minor incidents, return to full program may occur quickly. However, more significant incidents often require substantial review, evaluation, and other administrative actions and result in a more gradual restoration of normal program activities.

The initial incident at Calipatria was significant both in terms of magnitude and severity. It was a riot, involving a large number of inmates and attempted homicides of staff. A lockdown was implemented, and searches, interviews, and other investigative activities were initiated. Consistent with departmental policy, within days the Warden began to restore some level of activity to at least some portion of the population and continued a gradual return to full programming. As additional progress was made other significant incidents occurred. There were additional batteries on staff and inmates and intelligence and searches recovered caches of weapons. Some of these incidents resulted in reinstituting restrictions that had previously been removed.

The Warden continued to take appropriate actions to resolve the problems and report efforts and results, and consult with the Associate Director as required. Over the succeeding months, in spite of efforts of staff and progress in restoring additional program activities, sporadic serious incidents continued to occur, including another attempted homicide of an officer in December 2006. In response to this incident, the Warden moved forward to install metal detectors in each housing unit to enhance abilities to detect weapons. During this installation inmates were fed in their cells

although increasing levels of program activity had been restored to significant portions of the inmate population.

It was during this period, at a COMPSTAT review of institution operations that I became aware of the continuing difficulties at the institution, and directed additional efforts be made to begin feeding the inmates in the dining rooms and additional measures be taken to return to full program. The Associate Director and the Warden took the necessary actions.

In addition to the monitoring and oversight required by existing policy, the status of the institutions are now more fully discussed with executive leadership at each COMPSTAT review, which occurs no less frequently than quarterly. The additional review will compliment the monitoring and oversight required by existing policy, and focus on the priority to remove restrictions and return to normal program as soon as it is safe and practical to do so.

Visiting

Many institutions have little or no space to process visitors who, in some cases, stand outside without shelter from sun or rain for several hours, waiting to visit inmates. Visits are terminated by staff when small visiting areas become too crowded.

20. Are improvements for processing visitors and visiting areas being contemplated as part of recidivism reduction or AB 900 efforts?

The AB 900 does not include funding for facility improvements to visiting and visiting processing areas. However, there is a current funding request in the minor capital outlay process to establish an additional visiting processing center at the Correctional Training Facility to assist in meeting the institution's visiting processing capacity needs. If approved, the Prison Industry Authority will build the additional visiting processing space adjacent to the existing visiting location. In addition, the CDCR is pursuing funding through the capital outlay process in Fiscal Year 2008/09 to address other visiting processing center deficiencies at institutions throughout the State.

21. Who monitors visiting practices for consistency? Who tracks visitor processing times and the number of terminated visits?

The Division of Adult Institutions monitors visiting on a statewide basis. Specifically, the Female Offender Programs and Services, Associate Director, has primary responsibility for oversight of the institution visiting function. Each mission area receives data relative to visiting on a weekly basis for each of their institutions. This information, which is inclusive of the number of visitors, inmates participating, and terminations is provided to the Female Offender Programs and Services mission with the overall responsibility of collecting and monitoring statewide visiting statistics. Visiting processing times are

tracked locally, but if complaints are made, the responsible mission area investigates the issue in order to ensure resolution.

The Department is in the process of establishing a work group in conjunction with the statewide Inmate Family Council. The work group will concentrate on visiting standards and guidelines as well as work on an issue paper exploring the pros and cons of establishing an Office of Family Services. The work group will begin in June 2007.

22. *Are you contemplating changes to family visiting or inmate phone call policies as part of recidivism reduction?*

In the Fiscal Year 2006/07 Recidivism Reduction Strategies Budget Change Proposal, funding was included to expand visiting to an additional day at 10 male institutions, known as the 3rd Day Visiting Program. In addition, the Chowchilla Family Express was established at two female institutions, which provides bus transportation for inmate families once a month to the two central valley women's institutions. Each of the 10 male institutions, as well as the Chowchilla Family Express institutions, received a Family Services Coordinator position to assist inmates and their families with issues that arise related to family reunification. Information on visiting terminations and other data collected by each mission was used in determining which institutions to select for this expansion. The Division has also explored the possibility of expanding the 3rd Day Visiting Program and has identified up to 16 additional institutions that are able to participate, if funding is approved. Whether an expansion would be funded as part of the existing Recidivism Reduction Strategies, or a separate funding request, is still being explored.

The Department reviews the existing visiting policies on a continuing basis. Currently, the departmental policy regarding the amount of money that inmate families can take into the visiting room is under review for possible revision.

While access to and costs associated with inmate/ward telephone calls has been discussed at various levels and in a number of forums, currently, there are no changes contemplated for inmate telephone calls.

Re-entry Planning and Parole

For several years, corrections administrators have talked about the need to better plan for reentry of inmates into society, including a process that would provide every inmate with a risk and needs assessment that would be administered upon arrival in prison and utilized in a seamless fashion through parole. The Public Safety and Offender Rehabilitation Services Act of 2007 requires the department to assess all inmates for the purpose of placing them in programs that will aid their reentry into society.

23. *Who is responsible for implementing the risk needs assessments? When will the initial assessment be administered and how often will re-assessments be conducted? Who will you hold accountable for ensuring that the inmates are administered a risk needs assessment at the appropriate intervals and are then placed in appropriate programs?*

For approximately 18 months, the Division of Adult Parole has been administering risk and needs assessments using the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) risk and needs assessment instrument for inmates who are within 240 days of their parole dates. The risks identified are used to determine the appropriate level of parole supervision. The needs identified are used to better link the offender to services in the community. The resulting parole plan identifies specific services, by provider and location in the community. Parole Planning and Placement staff have the responsibility for administration of the pre-parole assessments.

In June 2007 the Department will begin to administer risk and needs assessments, using the COMPAS instrument, at four reception center institutions. An assessment will be completed upon intake for both male and female inmates. The first four reception centers include: Deuel Vocational Institution; Valley State Prison for Women; California Institution for Women; and Richard J. Donovan Correctional Facility.

By June 2008 these assessments will be conducted in all of the Department's reception centers. Thereafter, we expect to acquire the expert staff resources, the information technology infrastructure and the revised procedures necessary to tie the dynamically updated assessment information into the classification and assignment processes. Finally, we will contract with outside experts to validate our COMPAS instrument to determine its effectiveness for use with the inmate population.

Through these assessments, the Department will be able to better match the inmates with rehabilitative programs tailored to meet their needs and as the foundation for providing additional evidence-based programs based upon identified needs.

It is the goal of the Department to administer additional assessments at intervals, yet to be identified, to tie the inmate's case plan with continuing needs and progress achieved.

Successful implementation of coordinated assessments from reception through discharge from parole will be a collaborative effort across organizational lines. However, the administration of the pre-parole assessments is currently clearly the responsibility of the Division of Adult Parole Operations. The Director will be held accountable for ensuring the assessments are conducted as required. The administration of the assessments upon reception is currently the responsibility of Adult Programs. The Chief Deputy Secretary will be held accountable for ensuring the assessments are administered as required.

24. *How will you measure the effectiveness of the risk needs assessment and its use within the department?*

In April 2007 the departmental Office of Research entered into a three-year contract with the University of California, Los Angeles to validate and evaluate the COMPAS risk and needs assessment tool. They have identified three phases for this process:

- Phase I: Evaluation of the COMPAS assessment's predictive power for re-offending. The Office of Research expects preliminary findings on this phase by the middle of September.
- Phase II: Evaluation of the COMPAS assessment's ease of use, understandability, and ease of application in level of case management and treatment planning. Field research by UCLA should provide some preliminary information that we can share with the Legislature in January/February of 2008.
- Phase III: Validation of the COMPAS assessment's ability to screen for criminogenic needs, which includes factors such as criminal thinking, substance abuse, education status, vocational training, and family issues. This is the most complicated part of the validation study. The Office of Research is working out a research design with UCLA about the details for this aspect of the validation study.

The true measure of effectiveness will be achieved over a period of many years when the Department sees a reduction in the returning offender population.

25. *Who is responsible for assisting inmates in preparing parole plans? How are services coordinated between field parole agents and staff working inside the facilities? Who is responsible for helping parolees identify appropriate services when they are released? How will you evaluate the effectiveness of parole planning efforts?*

The Parole Planning and Placement (PPP) Unit has the responsibility for assisting inmates in preparing parole plans. The Unit consists of Parole Agent (PA) II Specialists and Parole Service Associates (PSA), with at least one PA II Specialist and one PSA assigned to and physically located in each prison. Each parole region has the services of District Social Workers who assist in development of the parole plan.

At approximately 240 days prior to the offender's release, PPP staff review the Central File and conduct a face-to-face interview with the offender to gather pertinent information related to needs and/or barriers that may exist upon release. The PPP staff also utilize the COMPAS risk and needs assessments as an integral part of development of the parole plan. Risks identified are used to determine the appropriate level of parole supervision. The needs identified are used to match the parolee with specific, appropriate resources and services in the community to meet those needs.

The work of PPP staff complements the work of the field parole agents and provides a comprehensive evaluation of the risk and needs of the offender, based on a validated tool, and an improved parole plan.

The cumulative statistics that can be derived from the individual assessments can also identify new resources, services and programs that are needed in specific communities to meet the needs of parolees and be the foundation for efforts to acquire them.

Initial evaluation of the effectiveness of the parole planning efforts will be based upon assessments being conducted in a timely manner for all eligible parolees sufficiently advance of parole, and ensuring parole agents are properly trained and are using the parole plans to provide supervision and assist the parolees in accessing prescribed services and resources in the community.

The effectiveness of the parole planning efforts will be evaluated on the impact of reducing recidivism over the long term. Specifically, once the outcome data is collected, the Department will be able to conduct research studies based on the evidence obtained. While there are countless evidentiary areas to evaluate, some identified will include, but not be limited to, successful discharges of parolees who were provided programs based their pre-parole risk and needs assessments; the continuum of care and programs provided both in prison and while on parole; the length of time served; age of release; and commitment offenses.

26. *Corrections officials and outside experts note that the biggest challenge for many newly released parolees is not just finding a job, but finding a place to live. Who in your agency is responsible for identifying additional housing options for those recently released?*

Ultimately, the responsibility to locate and maintain housing remains with the individual parolee. However, the supervising parole agent assists the parolee by utilizing his/her knowledge of existing housing within the community and referring the parolee to potential available housing. Furthermore, in circumstances in which the parolee is indigent and/or unable to finance their own living arrangements, the parole agent may assist the parolee by subsidizing the individual's housing until such time as the parolee becomes self-sufficient.

Two populations of parolees that pose a significant challenge for the Division of Adult Parole Operations are sex offenders and the mentally ill. For sex offenders, the Regional Sex Offender Housing Coordinator, Parole Agent II, is responsible for the Division's standardization of sex offender housing issues, and acts as a liaison responsible for assisting with sex offender housing compliance issues.

For parolees designated in the prisons as requiring mental health programs under Enhanced Outpatient Program (EOP) and Correctional Clinical Case Management

System (CCCMS), eligibility for temporary housing assistance is available through the Casework Services funding in the Parole Regions.

The CDCR also provides assistance to parolees in obtaining access to housing and residential treatment programs/services. The Directors of both the Division of Adult Parole Operations (DAPO) and the Division of Addiction and Recovery Services (DARS) are responsible for developing housing options as follows:

Division of Adult Parole Operations:

1. Residential Multi Service Center.
2. Female Residential Multi Service Center.
3. Room/board casework service contracts.
4. Temporary placement at motel/hotel with Casework Services funds.
5. Referrals to local homeless shelters.

Division of Addiction and Recovery Services:

1. Female Offender Treatment and Employment Program (FOTEP).
2. Substance Abuse Services Coordination Agency (SASCA) which provide residential drug treatment and sober living housing.
3. Substance Abuse Treatment Network.

Parolees that are indigent or are in dire need of a combination of services that include residential and other services (substance abuse, education, vocation, or otherwise), can be referred for statewide programs such as the Residential Multi-Service Centers, the Parolee Service Centers, and the Community Based Collation program.

Infrastructure

- 27. *Overcrowding has resulted in heavy usage of certain prison sewage and wastewater systems in some prisons. Please describe the department's efforts to address the issue and any expected timeframes for improvements. How will the department ensure that the construction required by AB 900 will not exacerbate this problem?***

The Department contracted with an engineering consulting firm in 2004 to perform evaluations of existing CDCR wastewater treatment plants that were either nearing capacity or had received violation notices from local regulatory bodies. The results of these evaluations have been utilized to seek and obtain capital outlay funding to design and construct improvements to many of these plants.

Construction is just being completed on a new wastewater treatment plant for the California Men's Colony. Construction funding is being sought in the 2007/08 Budget

Act to begin construction of new plants, or upgrades to the existing plants, at the following prisons: California Correctional Center, Sierra Conservation Center, California Correctional Institution, Centinela State Prison, California State Prison-Corcoran, and Deuel Vocational Institution. Finally, funding is being sought in the 2007/08 Budget Act to begin design of a new treatment plant at Chuckawalla Valley State Prison, and to upgrade the existing plant at Mule Creek State Prison.

Another step CDCR has taken to address wastewater flows is the installation of flushometers to regulate the frequency with which an inmate flushes their cell toilet. Experience has shown that inmates flush the toilets to dispose of trash rather than use a trash can, flush the toilets while cleaning laundry in their toilet, and will attempt to utilize the plumbing system to pass messages or contraband from cell to cell. With the installation of flushometers, cell toilets will only be allowed to flush a specified number of times within a set interval. Any attempts to flush the toilet beyond this parameter will be locked out for a period of time. Flushometers are expected to reduce wastewater flows from 10 to 30 percent.

Through the use of existing funding, flushometers are being purchased and installed at ten prisons. Funding to install flushometers at remaining prisons with celled housing units was included in Assembly Bill 900 (Chapter 7, Statutes of 2007).

The Department is taking steps to ensure that construction of additional beds authorized in Assembly Bill 900 will not exacerbate the existing wastewater situation by conducting site assessments and environmental reviews at all prisons where new beds are proposed. These assessments and reviews identify whether existing infrastructure systems (including wastewater) is adequate to accommodate the expected new housing units. Any additional wastewater capacity required to support additional housing, or address existing deficiencies, will be designed and constructed concurrently with the new housing units.



PREVIEW GROUP

ARCHITECTS PROVIDING REGULATORY SOLUTIONS...

June 18, 2007

Nettie Sabelhaus
Rules Committee Appointments Director
Room 420, State Capitol
Sacramento, CA 95814

**RE: STEVEN R WINKEL, RESPONSE TO SENATE RULES COMMITTEE QUESTIONS
CALIFORNIA BUILDING STANDARDS COMMISSION APPOINTMENT**

Dear Ms. Sabelhaus:

Following are my responses to the questions that I received from the Senate Rules Committee on May 17, 2006. I have organized my responses in the same categories and order as the questions that were sent to me.

Commission Responsibilities and Membership

1. What are your goals and objectives as a member of the Building Standards Commission? What do you hope to accomplish during your next term? How will you measure your success?

My goals and objectives for my next term on the Building Standards Commission are two fold. One goal is focused on implementing the newly revised codes that will go into effect on January 1, 2008. I have been an active advocate of training in the use of the new codes for design professionals, code officials, building owners and other code users. The new codes are similar to the old codes, but different in many details. Implementing the uniform interpretation and equitable enforcement of the new codes will take constant attention to information gathered from field experience in use of the new codes. I will continue to be active in helping people understand how to design with and implement the interpretation of these new codes. I will work to see what is not working as well as possible in the new codes and help lead efforts to make them clearer and better.

I am a member of the Commission's "Green Building Committee". My other primary goal is to help the Commission participate in developing and adopting new codes and standards for making our buildings more energy efficient. As recognized by the goals set out by our state government the crisis of global warming is real and buildings contribute even more greenhouse gases to the atmosphere than transportation. The efforts of the Building Standards Commission to achieve reductions in greenhouse gas emissions and move toward carbon neutrality for buildings will pay real dividends for our state, our nation and our planet. I am looking forward to being on the front lines of that struggle as the Commission moves forward to review and implement new green building standards.

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JUN 1 2007

Appointments

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I consider the new code adoption a great beginning for the successful implementation of a modern building code, but our training in the use of the new code must also be accompanied by information gathering and dissemination about interpretations of the new codes by users and regulators. I am an advocate for that information gathering effort. I will consider my training and information efforts a success if there is statewide commonality of interpretation of code sections by designers and building officials in various jurisdictions. I will consider my efforts on behalf of the green building initiatives of the Commission a success when we adopt usable regulations that have real impacts on greenhouse gas emissions, allowing the state's buildings to be built and renovated efficiently while at the same time our state's economy thrives.

2. What have been your most significant accomplishments as a member of the Building Standards Commission?

For my entire time on the Commission, since 2000, I have been one of the commissioners who has consistently advocated for the adoption of the state-of-the-art International Building Code (IBC) as the model code basis for the California Building Code. I am very proud to have played a part in the final adoption of the new IBC-based California Building Code. I worked very closely with all of the state agencies and stakeholder groups who developed and commented upon the California amendments to the code. I asked them to justify their revisions and then I supported the revisions brought forward by the agencies after they had built consensus. The state now moves forward with a truly contemporary building code that will serve us well for constructing new buildings and renovating existing buildings. As noted above I have also worked to be a leader for the Commission and for my profession of Architecture in the implementation of green and sustainable design solutions for California buildings. This effort was begun during my last term on the Commission and will continue into the future. I have also been a consistent advocate for implementation of clear and enforceable access regulations for persons with disabilities.

Disability Access

3. What is your overall assessment of California's progress toward providing access for persons with disabilities?

The State of California is a national leader in the implementation of federally mandated accessibility regulations, such as the Americans with Disabilities Act (ADA) and the Federal Fair Housing Act (FFHA), using our own locally adopted regulations which also have significant advances over the national standards. However, our regulations are not uniformly implemented by designers, owners or code officials. Some of this lack of uniformity of implementation is due to a lack of clarity in the regulations, which I believe needs to be worked on by all of the stakeholders with an interest in accessibility: persons with disabilities, disability rights advocates, design professionals, building owners, regulators and elected officials. Increased clarity will bring increased uniformity of design and application and that in turn will lead to increased accessibility. Calling for increased clarity is not another way of saying accessibility regulations should be watered down. Understandable criteria are more readily implemented, thus achieving more real access, they are not weaker.

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The state is also moving toward certification of the California Building Code as equivalent to federal standards such as the ADA and FFHA. This is a laudable goal, but we need to be certain that desirable access improvements made to the California code are not sacrificed in the name of uniformity to gain acceptance from federal regulators. This will be the subject of intense ongoing negotiations, as it has been for the past several years.

Also, we need to move forward with exploring new technologies and approaches for emergency egress from buildings for persons with disabilities. We have worked over the years to increase day-to-day access to buildings; we now need to address emergency egress by persons with disabilities. This will take review and input from groups located all over the world. There are many new approaches being applied in other countries that should be examined and brought forward for consideration for inclusion in the California Building Code.

4. How did the commission respond to the concerns that some advocates for the disabled community have raised about the proposed code revisions at the commission's January 30, 2007, hearing?

State agencies are examining the requests made by the disabled advocacy community at the January 30, 2007 hearing to determine which of the desired modifications can and should be readily undertaken as emergency measures and which should come about during the normal course of code revision and adoption. Several of the issues raised, such as reach ranges for fire alarm appliances, are involved in ongoing discussions regarding harmonization of state and federal requirements and some are in the model code adoption arena for consideration as national standards. It is my understanding that various state agencies, especially the State Fire Marshal and the Division of the State Architect's Access Compliance Section are actively engaged at this time in a review and consensus-building process to move potential code changes forward for possible submission to the Building Standards Commission, either as emergency regulations (if warranted) or as part of the next code adoption cycle. Our building regulation development process is set up such that the state agencies propose to the Commission revisions for our disposition; the Commission does not typically develop code changes for its own review.

The question of areas of refuge for persons with disabilities to await rescue inside a building during an emergency versus the use of elevators for egress by persons with disabilities, which was extensively discussed at our January 30, 2007 Commission meeting, is under discussion around the world. Various jurisdictions, notably in Asia and in Europe, are beginning to use elevators for emergency egress. This is truly at the leading edge of code development and California must be involved in these discussions. The design and operation criteria for use of elevators for egress are currently undergoing development for publication of a uniform national standard for such elevators. When this standard is finalized then the discussions regarding regulations for elevators as a means of egress can move forward. Practically speaking, using elevators for egress should include use of the elevators by all building occupants to facilitate rapid evacuation of all occupants, especially in very tall buildings. Also, the use of elevators by fire-fighters, either with dedicated or overlapping use, should be part of this discussion.

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I hope that the Legislature and the Governor will fund participation by state agencies and stakeholders such as the Building Standards Commission in the international discussions now taking place regarding egress for persons with disabilities as well as in development of the more over-arching concept of "universal design". The state must be actively involved in these interchanges of ideas to advance the technology and the art of design for access to buildings by persons with disabilities.

Public Access to Government

5. How does the commission manage its outreach efforts and provide public access beyond its Internet presence? What resources does it provide to non-English speakers? How does the board monitor these activities?

I believe that the internet is the best medium for code outreach by the Commission and should be robustly supported. However, not all stakeholders in the building regulatory process have access to internet resources so there should be other media used to provide access to Commission information. Printed materials in Braille or on cassettes are made available now for persons with disabilities, but they are not widely promoted. There could also be other voice information systems for persons who are visually impaired, or alternate language audio messages for persons who do not speak English. In addition the internet site could provide alternative language pages to interpret website content.

These various kinds of alternative access are technically feasible now, but they would need funding and a direction from the State and Consumer Affairs Agency to the Commission staff to implement these added methods of outreach. The Commissioners typically rely upon the Commission staff to implement measures such as additional outreach. We try not to "micro-manage" the staff in their day-to-day activities, but to focus as Commission members on the technical merits and implications of the building regulations we must review and approve.

6. Why are some but not all of the commission's advisory committees agendas and minutes published on the Web site?

The advisory committees have two real functions. Their formal function is to review in detail proposed code revisions prepared by state agencies and recommend to the commission and the staff the disposition of these proposed code revisions. These recommendations should be agendized, publicly adopted and distributed as minutes by whatever means is deemed appropriate as discussed in Item 5 above. There are other meetings where the advisory committees discuss potential code changes and directions for the Commission to take in code adoptions. These are more "kitchen cabinet" type meetings and while not closed sessions, are not meant to develop definitive directions or recommendations for publication. Having these meetings be less structured and formal adds to the freedom for lively and open debate which contributes to good code development. However, with today's technology the goal for all advisory committee meetings should be that they be web cast in real time and all of the outcomes reported widely in various media for increased public information and input into the

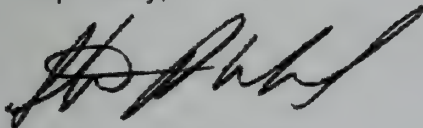
**STEVEN R WINKEL, RESPONSE TO SENATE RULES COMMITTEE QUESTIONS
CALIFORNIA BUILDING STANDARDS COMMISSION APPOINTMENT**

Page 5

code change process. The more the public is aware and involved in the discussions of code changes the better the code becomes.

I trust these responses meet with your approval. I understand that I am not required to appear before the Rules Committee for my confirmation hearing on June 27, 2007, but please do not hesitate to contact me with any questions or comments you or the Senators may have regarding my responses. I look forward to serving once again on the Building Standards Commission.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steven R Winkel', written in a cursive style.

Steven R Winkel, FAIA, PE

572-R

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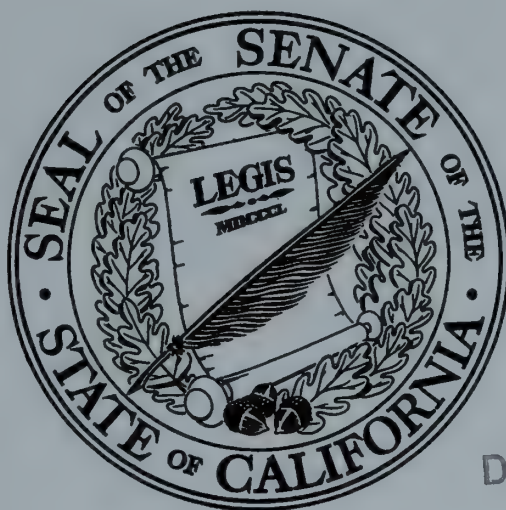
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APPEARANCES

MEMBERS PRESENT

SENATOR DON PERATA, Chair

SENATOR ROY ASHBURN, Vice Chair

SENATOR GIL CEDILLO

SENATOR ROBERT DUTTON

SENATOR ALEX PADILLA

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Appointments Consultant

BILL BAILEY, Consultant to SENATOR ASHBURN

DAN SAVAGE, Consultant to SENATOR CEDILLO

CHRIS BURNS, Consultant to SENATOR DUTTON

BILL MABIE, Consultant to SENATOR PADILLA

ALSO PRESENT

THOMAS G. HOFFMAN, Director
Division of Adult Parole Operations
Department of Corrections and Rehabilitation

DAN RUDEN, Captain
Rocklin Police Department

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P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN PERATA: We will start Senate Rules Committee as a subcommittee. We have one of each.

We have one distinguished appointee today, Tom Hoffman, who is the Director of the Division of Adult Parole Operations, the Department of Corrections and Rehabilitation.

Do you have anything to add to that, sir?

MR. HOFFMAN: No, sir.

CHAIRMAN PERATA: Would you like to open?

MR. HOFFMAN: Yes, sir. I'd like to introduce my family. My wife, Kim, and my son are present.

CHAIRMAN PERATA: Welcome.

MR. HOFFMAN: Justin Taylor; JT we call him.

Good morning.

CHAIRMAN PERATA: Good morning, sir.

MR. HOFFMAN: Thank you so much for taking your time to -- to consider my appointment. I'm absolutely flattered to be even considered for such an important and meaningful role in the CDCR family.

I come before you today as a 30-year vet of municipal law enforcement. I spent 20 years with the City of Inglewood PD, and I spent the final 10 years of my career serving the City of West Sacramento as the Deputy Chief.

That has given me a unique insight into the input side of our system. I understand in a very personal way the implications of crime and disorder in our communities, the implications that that has on victims, and their families, and

1 suspects and -- and the families of the offenders.

2 I am flattered to be considered for this
3 position. The last 10 months have been some of the most
4 exciting period of my career. I -- to be involved in one of the
5 great social, and political, and economic debates of our time in
6 the State of California, perhaps across the nation, is an
7 exciting and fascinating experience.

8 There are many, many challenges facing the CDCR
9 and Parole Operations, and there's any number of sensitive
10 topics and issues that need to be addressed as we move our
11 organizational culture from one of supervision and monitoring to
12 rehabilitation, and try and change the -- the role of parole in
13 the state, one from -- from transfer to transition.

14 And I'm excited to say that I, after 10 months,
15 I'm entirely confident that CDCR, and specifically the Division
16 of Parole Operations, stands ready to meet the expectations of
17 -- of the citizens of the State of California, and certainly our
18 elected officials.

19 And I see it as my distinct privilege, something
20 I cherish, that I would be considered as the Director of such an
21 unbelievably professional and wonderful group of people trying
22 to get this job done.

23 Thank you.

24 CHAIRMAN PERATA: Thank you, sir.

25 I'm not going to ask a lot of questions. I think
26 the conversation that we had, and watching the work that you've
27 been doing, is sufficient for me.

28 I just want to comment that it is very heartening

1 to see in the last number of appointments that the Governor's
2 made here are people who actually came up through the ranks of
3 law enforcement, know a little something about what they're
4 talking, because these are jobs that need to correct a system
5 that's very much broken.

6 There's been some strong criticism levied at the
7 Senate by the federal court judges, who are trying to decide
8 whether or not they're going to put caps on what I call
9 enrollment, our population.

10 So, one of the real issues has to be how we
11 manage parole, and how we reform parole if, in fact, we're going
12 to have a true rehabilitation system.

13 I'm quite confident that what you've done, and
14 how you approach your work, and your life experience is
15 well-suited for that. So, I am satisfied that you're here and
16 that you're doing the job.

17 Senator Ashburn, did you have questions?

18 MR. HOFFMAN: Thank you, sir.

19 SENATOR ASHBURN: I'll defer to Senator Dutton.

20 CHAIRMAN PERATA: Senator Dutton, do you have
21 questions?

22 SENATOR DUTTON: If I could, Mr. Chair.

23 Mr. Hoffman, you and I talked a little bit about
24 the situations regarding the "Robin Reagan" regulations, and so
25 forth.

26 Can you briefly explain, just for the record,
27 what "Robin Reagan" regulations are regarding parole violators?

28 MR. HOFFMAN: It refers to a Division Two

1 regulation, 2616. And that regulation is -- a short version
2 would be, it's a list of -- of offenses that a pool of parolees,
3 1192/667, serious and violent offenders, if they are --
4 commitment offense has -- is in that pool, and they commit any
5 number of offenses as identified in 2616, they are mandatorily
6 referred to the Board of Parole Hearings for consider -- for
7 revocation consideration.

8 SENATOR DUTTON: Who makes the determination as
9 to whether parole violators are to be referred back to the Board
10 of Parole Hearings?

11 MR. HOFFMAN: The regulation controls the
12 decision-making process of our agents and supervisors.

13 And as you and I discussed, there has been
14 confusion surrounding this issue since an agreement was reached
15 between the board and the then-Parole Administration in October
16 of 2002.

17 SENATOR DUTTON: We obviously have a problem with
18 overcrowding in prisons. And here pretty soon, obviously, the
19 federal courts may actually cause some different types of things
20 to perhaps happen.

21 There is a concern on the part of some of my
22 constituents, though, that perhaps some of the parole violations
23 are being overlooked as a way of trying to help manage an
24 overcrowding situation.

25 I shared with you a situation that occurred. And
26 I'm not saying that in this case here, the person that I'm
27 referring to. It was an alleged -- well, he was an alleged
28 murderer, Brown, and what he did in my area. Obviously, he was

1 somebody who did some things.

2 I gave you some information about that person.

3 MR. HOFFMAN: Yes, sir.

4 SENATOR DUTTON: My concern is that with some of
5 the things that have happened here of late, are we allowing this
6 type of person to go unchecked? I mean, not intentionally,
7 because I don't think anybody intentionally is going to let
8 somebody out.

9 But I'm concerned that the actions of some of our
10 people may be putting the public at risk. And it's because of
11 issues involving, perhaps, being caught because you don't have a
12 place to put them when we feel we have overcrowded situation.

13 So, my concern is, what can you give me in the
14 way of assurances that that won't happen?

15 MR. HOFFMAN: First, let me say without a doubt,
16 we do not ignore violations of any kind, of any kind. We are an
17 organization built around many checks and balances, including
18 the role, the very important role that our board plays.

19 We all -- we do understand that there is an
20 overcrowding problem in our institutions. And I think we all
21 understand that one of the solutions for that is parole reform.
22 And, you know, those discussions are ongoing.

23 I can tell you until and if there's some change
24 in regulation or law that changes the latitude that our agents
25 have, we have been and will continue to -- to enforce and abide
26 by all the laws that govern our behavior in every way. And that
27 I can assure you is -- is something that is done without
28 exception.

1 Now, are there parolees who make mistakes, even
2 after they've had supervision of one kind or another, and
3 programming of one kind or another? Yes, sir, that does
4 happen.

5 We are making every effort, as I think many --
6 all of you know, to improve the capacity by which our agents and
7 supervisors can make more informed decisions about the risks and
8 needs of our parole population through assessment tools that --
9 it's an emerging part of our profession in the last ten years or
10 so. California has now embraced that concept with COMPAS, and
11 Static 99, and Stable 2000, tools that although not perfect -- I
12 don't want to suggest to the Rules Committee or anybody that an
13 assessment tool, a risk and needs assessment tool, is a panacea
14 that, if we do that, then we're absolutely safe; the parolee
15 that's had that test won't go out and do something
16 unpredictable.

17 But what it does do, and I think this is an
18 important distinction, that increases the likelihood that we're
19 going to get it right. You know, we're -- none of us are
20 clairvoyant. But when we use these tools, and they're validated
21 across the nation, and then supported by the likes of Dr. Peter
22 Silia and others, and the expert panel, and demonstrated in
23 states all across the Union, that with a thoughtful risk and
24 needs assessment process, effective programming, and those sorts
25 of things, we can improve our capacity to make better judgments.

26 Nationally it's been shown with a good risk and
27 needs assessment tool, and those sorts of evaluations as one
28 layer, and then layer over talented professional parole

1 professionals -- and we have many, many of those, 2800 in our
2 organization at the moment -- we can improve the accuracy of
3 those tests about 80 percent.

4 There still is the risk to be -- to be assumed.
5 And I think the challenge, our biggest challenge, is -- and it's
6 one of the reasons I'm fascinated by this discussion -- what
7 level of risk do we want to want to take as a society? What
8 level of risk is intolerable? And how are we going to come to
9 make those judgments? And how do we all agree that that's going
10 to have influence on public safety? How are we going to deal
11 with maybe the low-end offenders and concentrate more on the
12 high-end, dangerous offenders, and see what we can do about
13 really having an impact most importantly on public safety, most
14 importantly?

15 A wonderful by-product of that? It would have an
16 impact on our recidivism rates, and it would have an impact on
17 our populations inside the institutions.

18 It's one part of a very complex wheel here that
19 we're trying to -- to get our arms around.

20 And I can tell you as the Director, I am
21 absolutely committed to public safety, number one. I've spent
22 17 of the 20 years in Inglewood, on the streets of Inglewood as
23 an officer, sergeant, and lieutenant. I absolutely understand
24 in a very personal way the implications of criminal behavior on
25 our society. I've witnessed it. I've been the victim of it.
26 So, that is our primary objective.

27 And in the midst of it, we also have an equally
28 important obligation to respect the implications of their

1 behavior on the victims.

2 And finally, we do have an obligation to the
3 offenders in our society. We do.

4 And as we try to change our agenda after some
5 three decades of being largely punitive, entirely punitive --
6 the culture that was inside the institutions is present in my
7 organization as well -- we are about supervision, monitoring,
8 apprehension.

9 And now we are shifting that -- that mind set to
10 -- we still do that. There's plenty of folks that need just
11 that. We need to watch them closely. We need to put them back
12 into the institutions if they misbehave.

13 There also is a certain percentage of that
14 population, and it's -- again, this is not something that's just
15 drawn out of the air by CDC staff or myself. We are blessed
16 with an absolute menu of alternatives and recommendations about
17 how to fix this system. And it goes back, as you all know, to
18 1994 or before with the Little Hoover Commission, and one report
19 after the next. The prescription is there.

20 I can tell you that if I've learned anything in
21 the 10 months that I've been blessed to be any part of CDCR --
22 and I mean blessed -- these folks can do this. We can do this.

23 And, you know, I would suggest the position we
24 find ourselves in now, in that we have an institutional system
25 as large as it is, and as full as it is, and a parole system
26 overloaded and busting at the seams, this organization did
27 exactly what society wanted them to do: Incarcerate people, and
28 maintain them, and keep them safe, and keep them away from

1 society. We did that really well.

2 And now that the agenda's changed, we can do
3 this. And I can tell you that we're committed to it and
4 capable.

5 SENATOR DUTTON: I'm done.

6 CHAIRMAN PERATA: I want to just refer back,
7 because it's on point, to yesterday's hearing when we talked to
8 Jim Tilton.

9 One, he pointed out, or he responded to a
10 question I asked, that we in fact do not have a dossier on every
11 inmate. So, it's pretty hard to be prescriptive unless we do,
12 and they're working to correct that.

13 And then the other thing is that he wants to make
14 sure that the regulations are clear, and that those parole
15 agents who are acting, act within the guidelines. He wants to
16 take a lot of the subjectivity and the ambiguity out of it.

17 So, I think what you just said is very consistent
18 with what's coming from the top of the agency.

19 MR. HOFFMAN: That's a good thing.

20 SENATOR ASHBURN: Well, let me go to consistency
21 and ambiguity.

22 Is there anything in the "Robin Reagan"
23 regulations that is unclear to you?

24 MR. HOFFMAN: No, there's -- one second.

25 What's unclear at the moment, there is confusion
26 as a consequence of an agreement reached in 2002 that the board
27 relinquished authority of a certain group of the population of
28 1192 inmates -- excuse me -- parolees. Very complicated set of

1 facts. It was tied to the Prop. 36 negotiation process with
2 CCPOA. It was tied to workload at the board.

3 It was an agreement reached, as I said, by the
4 then-Executive Director of the Board, and the then-Director of
5 Parole that said: 1192.7 offenders who are on parole that are
6 not specifically identified within the definitions in 2616, we,
7 Parole, would have the discretion to decide whether or not that
8 population would be referred to the board for revocation. It
9 gave us additional latitude.

10 There were lots of reasons that that happened,
11 as -- as I shared with you when we spoke privately.

12 Very early on in my tenure, in fact, quite
13 candidly, one of the very first conversations I had with
14 Executive Director John Monday -- who has played a tremendous
15 role with our organization over the last 10 months, helping us
16 to build a better, more cooperative, collaborative relationship
17 in an environment that often had been hostile previously -- he
18 came to me. It was -- he was one of the first to reach out to
19 me. And that -- this issue came up.

20 You know, I can remember him saying, "Tom, we go
21 -- you and I need to work on the 1192/667 MOU and get that
22 confusion cleaned up."

23 Well, like so many conversations in the first
24 months, that didn't mean anything to me. It was just -- so, I
25 remember I asked him, "Could you tell me what 1192/667 is?"

26 And from there, we've had countless discussions
27 and meetings about, you know, how we can collaboratively fix
28 what's broken.

1 My charge, Senators, was two-fold when our
2 Secretary was, I'll say, kind enough to offer me a position on
3 his team, two-fold. Come in from the outside. Take a look at
4 what's happening in Parole from a management-administrative
5 structural point of view. Tell us what you think we could do to
6 do this job better and more effectively. Obviously, recidivism
7 is an issue.

8 And secondarily, reach out to local law
9 enforcement. And not that I know every sheriff and every chief
10 in the town -- in the state, but I'm as old as I look. I know
11 many of them. We grew up together. Many of the people that I
12 worked with over the years, and went to training with, or one
13 thing or another, are now chiefs or sheriffs, and so forth. And
14 there's a certain level of, like every culture, you know, either
15 you're in or you're out. And you know each other. So, that was
16 my charge.

17 Amongst the things that -- that quickly came to
18 my attention was that because we had the reg, which is the
19 legal -- in my opinion, my opinion -- that's the controlling
20 document, 2616. And then we had this agreement that, candidly,
21 I don't believe in, neither do other legal -- not that I'm a
22 lawyer -- has merit. It doesn't -- it won't stand up, in that
23 the reg is the reg. That's what we ought to be doing, and we
24 ought to change that. And I believe in doing just that.

25 How we want to change it, you know, that's a
26 separate debate.

27 So, I undertook, and candidly, I understand, and
28 it was quickly told to me by John in our first meetings, and by

1 members of my executive staff, that for all the right reasons,
2 that particular regulation has a lot of emotionalism, and
3 interest, and -- and all the things that it should have, given
4 how it came to be.

5 So, we were trying to address it in a tactful,
6 polite and dignified way, recognizing that I -- I come from a
7 place that says any additional layer of analysis and review of
8 police actions is a good thing. I've seen this for 30 years.
9 Having folks take another look at what people with police powers
10 in a democracy do and don't do, because we are often in
11 positions where we're making unbelievably profound decisions on
12 people's lives in matter of seconds, I believe in that.

13 I believe that the board is a great thing for our
14 operation, and I believe in 2616.

15 So, the confusion now is, how do we -- and I
16 guess in my own terms -- undo the MOU? How do we get to where
17 we're in a legally defensible, appropriate place, which means
18 how are we going to get to where the reg is the reg?

19 Candidly, over the last 10 months and so forth,
20 and with the change in the agenda of -- of CDCR and the
21 state, and the Governor, and everybody about rehabilitation,
22 and reducing recidivism, and on and on, honestly I have said to
23 John, and this -- I've had this in writing -- maybe there's some
24 sections of 2616, the nonviolent, nonserious parts of it that we
25 could rethink. That maybe they wouldn't be mandatory, a few.

26 SENATOR ASHBURN: Can I stop you right there?

27 MR. HOFFMAN: Yes.

28 SENATOR ASHBURN: Because what you put in writing

1 on May 12 is not consistent with what you just said. Because
2 you said:

3 "The 1192/667 reg change
4 represents a real opportunity
5 for us."

6 A real opportunity for us. And you editorialized:

7 "There will be a major push back
8 and ... some initial stress from
9 the victim's rights group."

10 So, just what was it that you were trying to pull
11 off here?

12 You've already said to us that the "Robin Reagan"
13 regulations have the force -- my words -- the force and effect
14 of law, and that the MOU was indefensible.

15 Why was there confusion on your part on what to
16 enforce? And then, why did you go in writing not just once, but
17 day after day, week after week, effort after effort, to undo the
18 "Robin Reagan" regulations?

19 MR. HOFFMAN: Senator, I guess I don't know what
20 else I can possibly say in response to this.

21 I -- when you and I met privately earlier in the
22 week about this very topic, I tried to explain that the last
23 thing that I would ever consider -- put aside the legal
24 implications of it, just the fundamental morality and ethics of
25 it -- that I, as the Director of a law enforcement agency would
26 have any intent at all or plan to undermine, circumvent --

27 SENATOR ASHBURN: These are your words, sir.
28 They're not my words.

1 MR. HOFFMAN: Those -- I just --

2 SENATOR ASHBURN: And they are not pulled out of
3 context, which is what you asserted to me the other day. I have
4 read every word you wrote on this subject.

5 MR. HOFFMAN: Okay, let me say just so the
6 rest -- I'm assuming everybody's seen it.

7 There are excerpts from two e-mails that are
8 contained in a document that was presented to me last Wednesday
9 morning. One of those interactions was a conversation between
10 myself and my Chief Deputy Secretary, Scott Kernan.

11 Let me say this. I do not deny that these
12 comments were contained in two -- two e-mails.

13 I was asked by Senator Ashburn in our personal
14 conversation to provide him with documentation that supports --
15 that from very early on in my tenure, I was meeting with and
16 discussing 2616, the MOU, and the implications on -- on our
17 operation with Executive Director Monday and others. I did
18 that.

19 And it shows that as early as January 3rd of this
20 year, I coordinated a meeting with Mr. Monday and his staff to
21 discuss 2616, and how we could fix something that's been broken
22 for five years.

23 Secondly, I -- I would say that I guess the
24 short answer is, if somebody asked me: Hey Tom, were there
25 things in the e-mails that you wished had been worded a little
26 more, I'll say, insightfully? Yes, sir.

27 CHAIRMAN PERATA: Never happened to me.

28 [Laughter.]

1 MR. HOFFMAN: Yes, sir, it did.

2 And then finally, there's -- there is a comment
3 there that -- that I was advised by a senior member of my staff
4 that this should not be discussed prior to confirmation.

5 I think it's important for everybody to
6 understand that I get advice from any number of people. And I
7 did get that advice from a very senior, very trusted member of
8 my staff.

9 I think the most important thing I can say to
10 that, Senator Ashburn and others, I did get that advice. And I
11 got that advice on May 13th. On May 15th, I met with the Deputy
12 Director of the Board of Parole Hearings and a senior deputy
13 commissioner -- and I always blank on this man's name -- Doug
14 and an Italian-sounding name -- who is widely recognized as
15 their policy person --

16 CHAIRMAN PERATA: Never blank on an Italian.

17 [Laughter.]

18 MR. HOFFMAN: I know.

19 I met with them. And I -- candidly, at that
20 meeting I did document. I documented the topics that we had
21 discussed relative to 2616.

22 CHAIRMAN PERATA: I'm dense, but Senator, what is
23 your concern here?

24 SENATOR ASHBURN: Well, I can lay it out very
25 clear.

26 First, I think Mr. Hoffman has been less than
27 forthcoming. And that's a very kind way of saying what I mean.

28 Because I think when you came to visit with me,

1 as you visited with the other Members of the Rules Committee,
2 you had an obligation to tell me that you had been involved in
3 an effort to undermine the regulations that have to do with
4 parole revocation.

5 You did not do so. So, I had to learn that back
6 channel, where people provided to me copies of your words in
7 memoranda, which I have here, which you've seen. You
8 acknowledge. You even have acknowledged that they are
9 inartfully -- my words -- inartfully worded.

10 This is not for me, Senator Perata, this is not a
11 minor matter. This is the man who will head Adult Parole.

12 Parolees violate parole. It happens. There are
13 regulations in place that have the force and effect of law that
14 say that when that violation occurs, certain actions shall be
15 taken. And the action specifically is that those cases go back
16 to the Board of Prison Terms, back to the Board of Parole
17 Hearings.

18 This gentleman has subverted that, undermined
19 that, confused it, created confusion in the field with his
20 troops, is not dedicated to that proposition, and puts public
21 safety at risk.

22 MR. HOFFMAN: Senator --

23 SENATOR ASHBURN: And it is documented by your
24 own words. That's my concern.

25 MR. HOFFMAN: That -- that simply is -- is
26 absolutely not the truth.

27 I have done nothing to subvert anything.

28 What I've done, and I understand the immense

1 sensitivity about 2616. The tragedy that led to that is -- is
2 heart breaking.

3 SENATOR ASHBURN: How about the tragedy in
4 Mr. Dutton's district, where one of our parolees goes out and
5 then murders two people?

6 This is not an isolated incident.

7 MR. HOFFMAN: What is -- to answer your question,
8 I am trying not to circumvent, undermine anything.

9 I am trying to strengthen 2616 and the roll that
10 Parole plays in that. And I have done this repeatedly with the
11 Executive Director of the Board.

12 I believe the Executive Director called the Chief
13 of the -- the Chief of Staff of both Senator Dutton and Senator
14 Ashburn last night to assure them that he and I are absolutely
15 openly discussing and trying to resolve an issue that's been on
16 the -- on the table for five years.

17 There's -- there is absolutely no intent to do
18 anything but fix something that's broken, and fix it in a way
19 that -- and mind you, I have no authority to change this or any
20 of it. I am a -- I'm an advisor. I've been hired to take a
21 look at a complex operation to include this and make
22 recommendations.

23 To suggest that I, as the Director of Parole
24 would in any way create confusion, I'm trying to eliminate the
25 confusion. Confusion has been in place since October of 2002.

26 And I'm -- I'm stepping up, saying: You know
27 what? I know it's a dicey issue. Let's take it on. Let's get
28 it fixed. Let's make this thing right.

1 And that's all I'm doing.

2 CHAIRMAN PERATA: In your analysis, is this
3 meet-and-confer issue with labor?

4 MR. HOFFMAN: It'll be part of it, in that it's
5 -- there is a, you know, another part, another component of a
6 really complex discussion. It's part of the agreement with the
7 union relative to the Prop. 36 workload. And it's, I'll say,
8 spun off into this agreement to -- to manage the workload,
9 Senator.

10 CHAIRMAN PERATA: Anything further?

11 I should announce to everybody, it's going to be
12 very disappointing, but Rules will not meet tomorrow. You're on
13 your own. You get your own entertainment. We can only do so
14 much up here.

15 [Laughter.]

16 CHAIRMAN PERATA: Anyone like to come in support
17 of the nominee? Come right up.

18 MR. RUDEN: Thank you, Senator. I'll be brief.

19 My name's Dan Ruden. I'm a Captain with the
20 Rocklin Police Department. Yesterday was my 24-year anniversary
21 as a police officer in the State of California, a municipal
22 police officer.

23 CHAIRMAN PERATA: How come cops aren't old?

24 [Laughter.]

25 MR. HOFFMAN: He just looks young.

26 MR. RUDEN: Thank you.

27 But I have had the pleasure of working with
28 Mr. Hoffman for 13 of those years, and working for him and with

1 him.

2 And in that time, I've found him to be one of the
3 most competent, and above-board, ethical men that I have ever
4 had the pleasure to work with.

5 In his capacity in the last 10 months with CDCR,
6 his -- really his openness to work with local law enforcement,
7 and to invite local law enforcement to communicate with his
8 agency is unprecedented, in my opinion.

9 And he is a can-do guy. He has always demanded
10 that our operations, when I've worked with him, and people
11 working for him, be above-board and transparent. That has
12 always been his -- one of his number one agendas.

13 So, I wanted to take a moment just to address the
14 Senators, and thank you very much for the opportunity.

15 CHAIRMAN PERATA: Thanks for being here.

16 Anyone further? Anyone in opposition?

17 Seeing none, pleasure of the Committee?

18 SENATOR PADILLA: Move approval.

19 CHAIRMAN PERATA: We have a motion to approve.
20 Please call the roll.

21 SECRETARY WEBB: Cedillo.

22 SENATOR CEDILLO: Aye.

23 SECRETARY WEBB: Cedillo Aye. Dutton.

24 SENATOR DUTTON: No.

25 SECRETARY WEBB: Dutton No. Padilla.

26 SENATOR PADILLA: Aye.

27 SECRETARY WEBB: Padilla Aye. Ashburn.

28 SENATOR ASHBURN: No.

1 SECRETARY WEBB: Ashburn No. Perata.

2 CHAIRMAN PERATA: Aye.

3 SECRETARY WEBB: Perata Aye. Three to two.

4 CHAIRMAN PERATA: Three to two.

5 You're out of here. Congratulations.

6 MR. HOFFMAN: Thank you, sir.

7 [Thereupon this portion of the

8 Senate Rules Committee hearing

9 was terminated at approximately

10 12:20 P.M.]

11 --ooOoo--

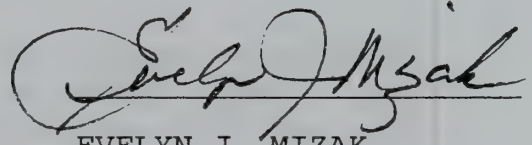
CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of July, 2007.


EVELYN J. MIZAK
Shorthand Reporter

APPENDIX

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Senate Confirmation
Thomas G. Hoffman, Director
Division of Adult Parole Operations
Responses to Senate Rules Committee Questions
May 30, 2007

General Questions

As the director of the Division of Adult Parole Operations, you are responsible for supervising parolees, providing community programs for parolees, and coordinating with other divisions in Adult Operations as well as Adult Programs.

The division has 3,039 authorized positions. Based on the department's compstat data for the fourth quarter of 2006, there was a 9 percent vacancy rate in the four parole regions. During this same time period, the division oversaw more than 120,000 parolees. Under current law, most inmates with a determinate sentence are placed on parole for three years upon release. While under parole supervision they must meet regularly with their agent, undergo drug testing, and follow other conditions of parole. University of California, Irvine, Criminology Professor Joan Petersilia reported that, in 2005, 66 percent of released inmates return to California prisons within three years.

- 1. What are your long-term goals and objectives as director of the Division of Adult Parole Operations? What do you hope to accomplish during your tenure? How will you measure your success? Please be specific.**

As the Director of the Division of Adult Parole Operations (DAPO) I have three primary long term goals and objectives during my tenure:

My first goal is to create an organizational culture that is supported by operational practices and clear policies such that DAPO functions as a cohesive and mutually supportive statewide law enforcement agency. Furthermore, the DAPO leadership team must understand and embrace a mutually understood vision, supported by a clear agenda and a shared sense of priority.

When I was appointed as the Director in August 2006, I found a closed and somewhat disjointed organization. From early on it was apparent to me that in its' current state it was extremely difficult for DAPO to roll out statewide initiatives, communication was often ineffective and there was a prevailing atmosphere of fear and apprehension at all levels of the organization. DAPO evolved from one organization to five, with sub-cultures within each piece of the organization. Specifically, DAPO operated in five silos: headquarters and each of the four Regions. Further complicating our effectiveness was the fact that within each Region there were often subcultures, with their own practices and supervision philosophies within the various Districts. These observations were also documented in the Tristan/Anderson audit of DAPO that was completed in late 2006. In support of this assessment, I ordered an audit, staffed by sixteen retired Parole Agent (PA) III's, to be completed to determine the nature of the relationship between our

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Appointments

parole agents and the parolees they supervise. Specifically, the capacity of our parole agents to establish meaningful relationships with the parolee, his/her family, employer and the various service providers. The results of this undertaking are expected in the next thirty days and will provide the leadership team with a much needed "baseline" from which to develop our case assignment management strategies for the immediate future.

To help achieve this goal I promoted three of the four current Regional Administrators and three of the eight Deputy Regional Administrators in the early months of my tenure, thus creating stability at these critically important assignments. After years of infrequent personal interaction at the executive levels of DAPO, I have initiated meetings with the Regional Administrators and their entire executive team members on a monthly basis, and at times more frequently. It is my opinion that face to face communication is critically important for an organization with such a complex social and political agenda. I have personally visited every Regional headquarters facility in the state on more than one occasion. I routinely attend the Unit Supervisor/District Administrator meetings held quarterly in each of the Regions. I have also established monthly meetings with the representatives of the Parole Agents Association of California. Since August 2006, I have visited numerous Parole Units across the state to meet with field agents and support staff. I intend to continue to be a visible and available Director and I demand the same of the entire DAPO Administration.

Effective relationships with the various internal CDCR stakeholders and service providers is also critical if DAPO is to meet the obligations we have before us. To this end, I have reached out to the Board of Parole Hearings (BPH), Contracts, Personnel, Budgets, Training, the academy staff and others in an effort to build meaningful, personal relationships with these important allies. DAPO is now working more effectively with each of these stakeholders, we meet on a frequent basis to share ideas and address mutual obligations and plan for the future.

As a result of these changes, the DAPO field executive leadership team is now more engaged in discussions regarding policy development, implementation of statewide initiatives, hiring and recruitment practices and budgetary practices than prior to my appointment. Although there is much yet to be accomplished, the team is coming together and we are realizing successes as an organization. Recruitment efforts are improving, we have increased the number of academy classes from three per year to nine in the current fiscal year, background time lines have improved from nine months to five months and morale in the field is starting to turn the corner. Quantifying success here will be difficult other than to say, as communication and team work improve so will our effectiveness and capacity to respond to new initiatives cohesively. I believe our demonstrated success rolling out the largest Global Positioning System (GPS) program in the nation is indicative of the change in DAPO management philosophy and service delivery.

Next, consistent with the Governor and Secretary Tilton's agenda to realign risk with DAPO resources is another primary objective during my tenure. Working with the entire DAPO team, I plan to develop a range of case management and parolee supervision strategies that are consistent with this agenda and responsive to public safety. As the CDCR/DAPO parolee management and supervision model changes from one of *transfer* to the effective *transition* of offenders back into their communities the role of the field agent will continue to evolve. Additionally, the prison overcrowding crisis, discussions of sentencing reform, the lessons learned as we implement Jessica's Law and Assembly Bill (AB) 900, approved by Governor Schwarzenegger on May 3, 2007, and the subsequent Declaration submitted by the California Department of Corrections and Rehabilitation (CDCR) to the Court have all provided additional incentives to revisit the topic of parole reform in California. With so many important social and organizational debates underway, I am honored to be the DAPO Director at such an important and exciting time in California history.

The use of evidence based programs and validated risk and needs assessment tools, such as the Correctional Offender Management Profiling for Alternative Sanction (COMPAS), Static 99 and the Stable 2000 are important steps in this undertaking. These practices have been shown to strengthen the effectiveness of parole operations and lower recidivism rates across the nation. I am committed to ensuring that research and evidence-based programming strategies for the supervision and management of every parolee in the state is a shared goal throughout the Division. I have also informed the leadership team throughout the Division that I expect each of them to be knowledgeable of the countless recommendations and findings submitted to the State by the many research and task force teams that have studied DAPO/CDCR for two decades. Since August, the leadership team has discussed many of these recommendations at length and is now developing our recommendations to be presented to Secretary Tilton for consideration.

The recently released discharge policy, in accordance with Penal Code (PC) §3001, is an example of the outcome of the collaborative policy development process I have described above. This policy statement represents the first step in a philosophical shift in the parolee supervision culture of DAPO. Consistent with the public safety agenda of the past three decades, DAPO has primarily focused on surveillance, supervision and incarceration of parolees who violate their terms and conditions of parole. Due to the renewed focus on preventative programming, the informed use of remedial sanctions, a growing emphasis on community outreach and collaboration, it is necessary to shift the enforcement culture within DAPO. Agents are now encouraged to recognize when a parolee, especially the non violent/non-serious offenders, has re-entered society successfully and to recommend discharge from supervision. Parolees will be empowered to continue their lives as free and productive members of society. This shift in culture will enable DAPO to more effectively allocate our resources to the mid and high-risk offenders who represent the greatest risk to public safety in our communities

and respond most effectively to well structured supervision community collaboration and programming.

I have spoken to many members of the Expert Panel, such as Dr. Joan Petersilia, *Valdivia* Deputy Special Master Nancy Campbell, and others as I worked to help coordinate the development of our recommendations for change. I have spoken to many of the members of the Expert Panel since joining this organization and have read countless reports and documents published by this group and other subject matter experts on the topic of parole reform and prisoner re-entry. I traveled to Illinois with Dr. Petersilia to see first hand how they are addressing the needs of their parolee population. I examined their relationship with the local communities in the areas of re-entry and successful programming. Recognizing that Illinois is the only other state in the Union, other than California, with determinate sentencing and virtually everyone who is released from an institution is placed on parole. This visit was especially interesting and beneficial to the mission we are trying to achieve in California.

Recently, DAPO initiated discussions with the Center for Effective Public Policy to coordinate the development and implementation of a decision making matrix. A decision matrix has consistently been recommended in any number of reports and analyses completed by various state-appointed task force panels and research teams for many years. A decision making matrix has been shown in numerous states to improve consistency in the decision making process when agents and supervisors respond to a violation of conditions or the commission of a new crime by a parolee. When supported by evidence based programs and effective remedial sanctions, the use of a matrix has been shown to play a meaningful role in reducing recidivism and thereby reducing institutional populations. The Center for Effective Public Policy has successfully coordinated this undertaking in 33 states. I am excited about the benefits this complex process represents for the organization.

I understand this goal will take time, patience and support from a broad spectrum of political and organizational stakeholders. Change of any kind is difficult; a cultural shift is underway throughout DAPO. Ultimately, the measure of success will be a tangible reduction in the recidivism rate for California. If we repeat the outcome realized in every state that adopted the same, or similar process, this should be a very achievable goal.

I come before you absolutely convinced DAPO is capable and prepared to meet this challenge and eager to demonstrate our capacity to effectively perform at all levels of the organization.

Lastly, it is a priority of mine to facilitate DAPO's expanded role in the greater law enforcement community, not only in the state, but throughout the nation. Having spent 30 years in California municipal law enforcement prior to assuming this assignment, I can say I never knew any of the Directors or Regional Administrators of the DAPO. Again, the value of face to face communication and personal relationships can not be

understated as we attempt to deal with the sometimes highly emotional issue of the impact of parolees in our communities. Although DAPO field agents and local law enforcement officers have traditionally worked effectively together, top executives and policy makers within DAPO rarely interacted with local leadership, unless there was a very specific crisis at hand. The implications of the notification process required as a consequence of the passing of Proposition 83, "Sex Offenders, Sexually Violent Predators, Punishment, Residence Restrictions and Monitoring," also known as Jessica's Law, is an example of the fall out an absence of relationships can bring to an organization.

DAPO is one of the largest law enforcement deployments in California. If we are to be as effective as possible, we must be well known, respected and active participants in the ongoing debate surrounding California law enforcement and community reentry issues. To this end, I have traveled extensively during my first nine months in office meeting with Police Chiefs, Sheriff's organizations, District Attorneys, community leaders and service providers. These interactions have helped DAPO address any number of community issues as we all grappled with the difficulties of implementing Proposition 83, as well as opening the lines of communication with cities contemplating how best to meet their obligations relative to prisoner re-entry and parolee supervision. I have reaffirmed that it is my expectation the Regional Administrators and their team work effectively with local governments and police organizations as we discuss our many shared public safety obligations and responsibilities. As with the other identified priorities, achieving this goal will take time, compromise and thoughtful consideration. Unfortunately, DAPO has not been seen as part of the local solution for public safety for many years. Building trust and understanding is a worthy, but time consuming, commitment that I look forward to meeting.

The measure of success in some way would be a reduction in the number of scenarios wherein DAPO is perceived as part of the problem when an issue surrounding a parolee arises. Recently, when issues regarding sex offenders and other issues have come to everyone's attention, DAPO, local law enforcement and community leaders have worked together very publicly to resolve the issue. I believe this is an indicator these efforts are beginning to establish better and more effective relationships with these important allies. Again, this is an exciting and rewarding opportunity for me and DAPO staff.

- 2. *What have been your priorities in your first year on the job? How might they change in the coming year? What specific strategies will you employ to reduce the number of parolees returning to prison? Please explain.***

My first priority after assuming this role was to earn the trust and respect of the CDCR leadership team, the many employees and leaders within DAPO and the various stakeholders in state government and local communities. In no small part, a good deal

of what was discussed in my response to question number one had, as a concurrent objective, achieving this goal as well. Having come out of retirement, and never serving in state government prior to being appointed to the Director of DAPO, there was (and still is) much to learn about the organizational and complicated political landscape I must effectively navigate. Learning who and how I to effectively interact with to ensure the long term effectiveness of DAPO has been an important undertaking for me. Simply learning the language and acronyms that are such a huge part of the CDCR and State culture was a time consuming undertaking in itself!

Familiarizing myself with the obligations and responsibilities in the many class action litigations facing CDCR/DAPO has also consumed a good deal of my time and effort. Specifically, the *Valdivia vs. Schwarzenegger* class action case required a good deal of my time and effort in the early months of this assignment as this case touches virtually every aspect of the operation in one way or another. I have met personally with Plaintiff's attorneys and the Special Master on numerous occasions (something no previous Director has done) and have assigned a new team to the oversight and management of DAPO's response to this case. We are now, for the first time in anyone's memory, meeting time lines and producing responsive and effective documents and reports as ordered by the Court or agreed to with the Special Master. I was also fortunate to be a member of the Governor's Sexual Violent Predator Task Force. Although at the time I was unfamiliar with many of the issues being discussed during the early stages of this undertaking, the experience was one of the more enlightening of my first four months in this assignment. Additionally, the relationships I established with the other members of the task force have proven to an invaluable asset for me and the organization.

Needless to say, the implications of Jessica's Law, the roll out of the GPS program and addressing the issue of housing for High Risk Sex Offenders (HRSO) and offenders required to register as sex offenders in our population has touched virtually some portion of every day since I became the Director. The implementation of Jessica's law continues to require a good deal of my time and energy. I anticipate this to be the case for some time to come.

Now that I have become more grounded personally and organizationally, my focus has shifted to developing strategies and recommendations so that DAPO can effectively meet the performance expectations identified by the Governor, Secretary Tilton and the political stakeholders to whom we are all accountable.

The events of the preceding months suggest parole reform (aka: Parole Accountability) will become a reality in the coming year. A need to reduce an unacceptable recidivism rate and impact over-crowding in the institutions has vaulted parole reform to the forefront of the social and political debate in California. Reducing recidivism is a complicated undertaking requiring the support and collaboration of the entire CDCR family, the State support services and political system, as well as local law enforcement

and community leaders all across California. There is not a single player, stand alone solution to the recidivism crisis in California. I see the DAPO Director as being in perhaps the strongest of leadership positions in this debate. The DAPO Director has an inherent obligation to reach out to all the stakeholders to collaborate, educate, inform and coordinate our efforts. If we are to be successful, everyone will need to recognize and assume their specific responsibilities, embrace meaningful change, accept the fact there is informed risk to be shared by all and constantly challenge each other to be creative and innovative.

As I stated in my first response, the PC §3001 discharge policy statement is a first step in the cultural and philosophical shift underway regarding parolee supervision and management in the state. The implementation of a decision making matrix and the undertaking of the process to create a thoughtful tool will be time consuming for everyone involved. The Governor's discussion of direct discharge has already led to discussions about other population management strategies for the non-violent/non-serious population in the state. Coordinating with the Division of Adult Programs as we help and guide local communities to develop re-entry facilities and expand service levels to the parolee population will also be an ongoing focus of mine in the year ahead. To this end, I am personally involved in the ongoing effort, supported by a CDCR grant, in Santa Barbara County to build and staff a 500 bed re-entry facility.

3. *Do you consult with parole administrators from other states? Where else do you go to learn about best practices? Are there specific examples of best practices that you have adopted or plan to adopt? Please describe.*

Perhaps because I came from outside the organization, and because I did not have a parole specific background, the inherent academic requirements of the first ten months of this assignment have been very rewarding for me. As an Assistant Chief of Police, I was actively involved in a number of state and national law enforcement organizations. Advanced study and having knowledge of "non-California" issues and studies were an important aspect of my responsibilities and a source of tremendous help and insights all through my career. I was very surprised to learn after joining DAPO that this administrative focus and practice was not widely embraced by the organization. I am committed to changing that as I believe there is a balance to be struck between the knowledge one gains from "doing the job" and making informed use of the valuable contributions the academic world can provide to DAPO.

To that end, DAPO has joined the American Probation and Parole Association for the first time in anyone's memory and I have scheduled staff to attend meetings and conventions organized by this well known organization. I have an ongoing relationship and dialogue with the leadership of the National Institute of Corrections (NIC). I have also reached out to the California Police Chief and Sheriff's Associations and have and will continue to attend their annual and quarterly meetings on a regular basis. I have

also attended Police Chief, Sheriff and District Attorney meetings in many of the counties throughout the state since being appointed Director. I have been told I am the first Director to establish these personal contacts with the law enforcement leadership organizations in the state. This is an obligation I see as an ongoing part of my responsibilities as the Director of DAPO and is one I take very seriously.

The short answer to the question is, "yes", I have consulted with parole administrators from other states. I have been fortunate that Ms. Campbell, Deputy Special Master for *Valdivia* has been kind enough to spend a great deal of time with me from very early in my tenure. Ms. Campbell has provided me with countless hours of "tutoring" in "Parole 101 A" virtually from our first meeting. She directed me to the American Parole and Probation Officers Association, the NIC, the Center for Effective Public Policy, and the Center for Evidence Based Corrections and ensured I had direct contact and private conversations with the leadership of each of these organizations. I was also very fortunate to meet Dr. Petersilia early in my tenure. I now have an ongoing relationship that often includes daily interaction with Dr. Petersilia. Dr. Petersilia has also been kind enough to spend countless hours talking with me about her experiences with CDCR/DAPO and the many recommendations she and others have made to improve our operation. As with any Ph.D I have met, I never escaped a conversation without a reading assignment and another contact she wants me to make! The help she and Ms. Campbell, and those organizations and individuals they have helped me connect with, have provided to me cannot be overstated.

As I said, I have also visited the state of Illinois and spent two days with the Director of Parole and the Undersecretary of Corrections. Dr. Petersilia and I visited this location together in an effort to better understand their re-entry efforts and visit a number of the program sites and residential facilities. I have also spoken to the majority of the members of the Expert Panel and received reports and documents from each of them relative to parole reform and the current state of parole in California. I have also spoken to the Parole Directors in Ohio, Texas and Pennsylvania during my research regarding developing a decision making matrix.

The decision making matrix and the PC §3001 discharge policy statement are two very specific examples of information and recommendations I have gleaned from these meetings and relationships. I can assure the Committee members that I am committed to maintaining relationships with all of these researchers and practicing professionals as I undertake the responsibilities of DAPO Director.

Pre-Release Planning

A requirement for risk assessment is included in AB 900. These assessments are to be used to place inmates in programs that will help them return to society and reduce recidivism. This is something corrections administrators have spoken about for several years and suggested that it would be administered upon arrival in prison, periodically re-administered, and utilized throughout parole.

4. *What is the status of this effort? How has your division been involved and how will it continue to be involved? What measurable impact do you expect this process to have in the near future? Please describe.*

The obligations and performance mile stones identified in AB 900 have been thoroughly reviewed and discussed at all levels within the CDCR and DAPO leadership structure. I have also held two high level meetings with the Regional Administrators and their teams to discuss the implications of this important legislation on our organization. I am confident the DAPO specific obligations identified in Phase I of this undertaken will be fully implemented in a timely fashion.

To this end, myself and the DAPO staff have been actively involved with the Division of Adult Institutions (DAI) for several months as active participants in the Risk/Needs Assessment Task Force and the plans to implement the COMPAS assessment when an offender enters an institution. I have personally met, along with members of the Headquarters support team, with the Division of Education, Vocations and Offender Programs (DEVOP) on numerous occasions to provide direction, oversight, and training in regards to the COMPAS risk/needs assessment tool. We worked with Enterprise Information Services to clarify the project's spending authority with the Department of Finance. DAPO handled the contracting process to extend the COMPAS agreement for the new purpose and have facilitated communications with the vendor, Northpointe.

Phase I of the automated risk and needs assessment at reception will be implemented at four reception centers by the end of the current year. Phase II will extend to the remaining reception centers and lay out the long range plan for transforming the classification and assignment processes to make use of the case plans generated based on the assessments.

In the near future, CDCR will have extensive information on assessments so that programs can be implemented and sized properly to meet the criminogenic needs of offenders. Offenders will be better prepared for re-entry because they will participate in programs based on their individualized prescriptive plans.

There are several levels of impact that can be measured through the use of this assessment tool. The immediate benefits will be felt by the line staff, both institutional and field. The staff will have an objective assessment of the offender which will assist in

providing clear direction regarding the risk and needs of the offender. The staff will be able to identify the pertinent risk factors that will present concern for the safety and security of the institution, the public safety aspect for the parolee population as well. In addition to the risk, the staff are able to utilize the assessment tool to assist in the identification of the needs of the offender population. This will allow for staff to place offenders into appropriate programs based upon their identified needs, optimizing the chances of success when they are released and are under DAPO supervision.

The long term benefits are unlimited and can be directly tied to the topic of recidivism. By having a standardized risk and needs assessment, CDCR will be able to optimize programming of the offender population. By considering all factors, CDCR can begin to effectively address the needs of the offender population. Appropriate custody/supervision classifications will ensure the appropriate level of oversight of the offender population. Combined with educational/vocational/counseling programs CDCR will be able to effectively work towards assisting the offender in achieving the ultimate goal of rehabilitation. The true measure of success will be achieved over a period of many years when CDCR sees a reduction in the returning offender population.

Currently, every institution has a Parole Agent II and a small support staff to assist with pre-release planning, including administering the risk needs assessment.

5. What specifically is the role of this unit?

The Parole Planning and Placement (PPP) program was established to put a "bridge" in place to assist newly released offenders and parole violators in their transition from the prison setting to the community and parole supervision. The use of the COMPAS risk/needs risk assessment tool works commensurate with the pre-release planning information to assist in identifying parolee needs in the community and assess proper risk scores. The COMPAS assessment allows DAPO to perform inquiries on specific parolee populations regarding recidivism. COMPAS has the ability for DAPO to extract critical data to help identify offenders who are at a high-risk of becoming career criminals, and to improve the effectiveness of DAPO the nature of the programs and community services suggested for the parolee.

The PPP Program/Unit consists of Parole Agent (PA) II Specialists and Parole Service Associates (PSA), with at least one PAII and one PSA assigned and physically located in each prison. At approximately 240 days prior to the offender's release, PPP staff review the Central File and conduct a face-to-face interview with the offender to gather pertinent information related to needs and/or barriers that may exist upon release. Based on the specific needs of the offender, the information is then forwarded to one of the contracted District Social Workers (DSW), who will work to place the offender into a suitable program immediately upon release.

The PPP Program/Unit is currently operational at all California State Prisons. The PPP program utilizes the COMPAS risk and needs assessments to assist the Agent of Record (AOR) in determining individual specific community assistance and programming placements for parolees. COMPAS is a complete information database and decision support tool for community based offender management used to determine the offenders' specific needs. The PPP program staff completes the assessment on institutionally-housed offenders that are between 240 and 120 days from release. All offenders are eligible except those with the following exclusionary criteria; (1) offenders pending deportation with an active United States Immigration hold, (2) civil narcotic addicts, (3) offenders receiving pre-release services through the Mental Health Services Continuum Program, (4) offenders participating in the Transitional Case Management Program (TCMP) for HIV/AIDS and those offenders serving time in the 42 fire camps throughout the State, or in a County jail facility at the time of their release from custody.

In an effort to ensure the staff was fully trained and competent in the use of the tool and that the many systems and procedures for this new program were effective the pool of offenders initially included in the PPP assessment process was limited to first time offenders and parole violators returning to custody with a new prison term. Effective January 1, 2006, the program was expanded to include offenders that have returned to custody for a parole violation who are serving sentences of six months Ineligible (meaning the parolee will serve the full six months), or more. I have directed staff to constantly revisit the inclusionary criteria for this important undertaking, with the ultimate goal that every offender released from CDCR custody will have the benefit of the COMPAS assessment as he/she begins post release parole.

6. *How does this activity complement rather than duplicate what is taking place in the field? Does a Parole Agent II have regular communications with agents in the field about individual inmates? What changes and progress might we expect in the near future?*

The PPP process complements the field operations by providing a comprehensive evaluation of the risk and needs of the offender based on a validated tool. It has been shown across the nation that the use of a risk and needs assessment tool, in conjunction with the professional wisdom and personal insights of the AOR and his/her supervisor improves the decision making process and enhances the opportunities for the successful reintegration of the parolee to society. Prior to the implementation of the COMPAS assessment, DAPO field staff would identify the risk and needs of the offender by reviewing the parole field file. The field file is a condensed version of the offenders' central file, and contains limited information.

Through the PPP process, DAPO staff review the central file for all pertinent information and conduct a comprehensive interview with each eligible offender. All information is

input into the COMPAS assessment which generates a more scientifically based case plan of each offenders risk and needs.

The COMPAS assessment is then made available electronically to each AOR for review when developing their supervision plan for each offender. For those identified offenders with high service needs, a referral will be made prior to release to a DSW. Those identified offenders with high needs are referred to the DSW for program development upon release. District Social Workers are located in 24 Parole Districts and assist DAPO staff in the implementation of the reentry plan. The primary responsibility of the DSW is to maximize use of existing DAPO programs, establish new resources, and link newly released parolees to appropriate community resources. For those offenders who are not referred to a DSW, the PPP PAII will provide suitable program referrals for consideration by the offender and agent of record upon release.

In order to ensure that DAPO staff have been advised of the PPP program and the COMPAS assessment tool, numerous training sessions were conducted. During the months of January 2007 through March 2007, all field staff were provided training at the unit level. PPP staff were on-site at each location to provide direct training to field staff regarding the proper utilization of COMPAS. Additionally, during each session, field staff were advised of the PPP program expectations, and how it would assist them in their development of pre and post release parole plans. Field staff were also advised that in order to ensure that the PPP program and the COMPAS assessment continue to improve, continued dialog with PPP staff in the institution and administration must occur.

In order to ensure that field staff are able to contact the institutional PPP staff, all program staff are available via departmental e-mail. Additionally, on a regular basis PPP staff telephone listings are forwarded to the Regional Staff for distribution to field staff. A telephone listing is also maintained on the CDCR/DAPO web page, and is updated regularly.

Communication is improving between field staff and the institutional PPP staff. The PPP PA II, PSA, and DSW communicate with field staff regarding numerous issues relating to the needs of the parolees who have participated in the PPP. These discussions often address issues such as the development of a suitable program, clarification issues regarding housing arrangements upon release (specifically PC §290 registration concerns), and conditions of parole.

As more of the released parolees have a completed COMPAS assessment in the field file, the AORs are now recognizing the benefits of open dialog with PPP staff and the real life usefulness of the tool. In order to ensure that staff are advised of the COMPAS assessment and PPP program, training begins at the Parole Agent Academy. At this time, PPP/COMPAS has been incorporated into the Academy curriculum, and has been taught at the last three academies. The Program Manager and his staff

recently completed training for every District and Unit in the state to ensure the entire staff was familiar with the COMPAS assessment and understood its important role in the planning of programs and sanctions for the parolee.

DAPO HQ staff has noted a significant increase in the number of "hits" on the PPP data system since the completion of this training. In order to ensure statewide communication PPP staff participate in regular statewide conference calls at least monthly. Additionally, PPP PAIL's meet on a quarterly basis to discuss field concerns, program needs and any new program developments.

The PPP program strives to meet the changing needs of the field agents by providing the most comprehensive assessment possible. Additionally, PPP staff will continue to provide "customer service" to the field staff to assist in their development and preparation of release plans.

The PPP program will continue to expand the eligibility in order to provide COMPAS risk/needs assessments to a broader offender population. At the present time the excluded offender population is being evaluated to determine suitability for assessment. With the completion of more assessments, PPP program staff will be able to expand to completing assessments on those offenders who are currently excluded as a result of their classification and/or housing status (Community Correctional Facilities, Conservation Camps, etc.).

7. *What percentage of inmates meets with a Parole Agent II or his/her staff in prison prior to release? How do you track this?*

The PPP program staff are tasked with completing COMPAS assessments on institutionally housed offenders, except those with the following exclusionary criteria; (1) offenders pending deportation with an active United States Immigration hold, (2) civil narcotic addicts, (3) offenders receiving pre-release services through the Mental Health Services Continuum Program, and (4) offenders participating in the Transitional Case Management Program (TCMP) for HIV/AIDS and those offenders serving time in the 42 fire camps throughout the State, or in a County jail facility at the time of their release from custody.

Since March 2006, the PPP program has completed 55,695 COMPAS assessments. There have been many program developments and additions since the implementation of the COMPAS assessment tool in March of 2006. Initially, the PPP program only conducted assessments of the New Commitments (NC) and Parole Violators with a New Term (PV-WNT). On average, CDCR releases 5,855 NCs and PV-WNTs on a monthly basis. In March 2006, PPP staff were completing 3.2 percent of the assessments on this population; however, that number has continued to grow each month to reflect a total of 67.91 percent for the month of April 2007.

On average CDCR releases 3,250 Parole Violators (PV) on a monthly basis. In August 2006, the PPP staff began to conduct assessments of the PV population serving terms of six months or more, with the first assessments scheduled for release in March 2007. In February 2007, PPP staff were completing 5.71 percent of the assessments for this population; however, the number has grown each month to reflect a total of 15.40 percent for the month of April 2007. Between March 2006 and April 2007, CDCR has released 127,495 offenders from custody; during that time the percentage of completed assessments has increased to reflect an average of 42.71 percent of the releasing population. Based on the programs increasing effectiveness it is anticipated that the completed assessment population will only continue to increase.

The COMPAS database is also utilized for the completion and storage of COMPAS assessments. DAPO has developed the COMPAS Reports database that allows DAPO administration to track items related to the PPP program.

In order to ensure that eligible offenders are identified for assessment. DAPO has linked with numerous CDCR databases. These databases combined will allow all offenders to be filtered through the reports manager, in order to ensure that DAPO is identifying and completing assessment for the offender population.

The COMPAS Reports Manager allows for the numerous reports to be queried, such as:

- COMPAS Assessment Screening – allows management the ability to query the database in order to identify assessment activity revolving around selected dates.
- PPP Activity Report – allows management to search regarding the activity regarding the status of an assessment on a particular offender in the PPP program. Data is grouped by supervisor and institution.
- PPP Case Activity by District Social Worker – allows management to query the case movement by DSW, during a given timeframe.
- PPP Case Activity by Institution Caseworker – allows management to query the case movement by PAlI and PSA in the institution, during a given timeframe.
- PPP Release Totals – allows management to query the results, or outcomes of the completed assessments, case plans, etc. This information can be grouped by supervisor and institution.

8. Does the Parole Agent II receive feedback or information regarding inmates with whom they have worked? Without this, how would they measure their own success and evaluate their efforts?

Presently PPP staff are tasked with completing the assessments and forwarding them to the assigned field staff for implementation in the offenders' parole plan. Interaction with field staff and DSWs is increasing, which allows for follow-up and collaboration regarding the development or modification of the offender release plans.

In February 2007, PPP began to explore a process for reviewing the outcome portion of COMPAS for a select number of offenders in a particular parole unit location. This outcome study will review program referrals during a given time period to assess the value of the DSW and PAII referrals, and whether or not the offenders and field agents are receiving optimum benefit from the PPP program. This study requires PPP staff to follow-up with field staff to ascertain the effectiveness of the program referrals. An example of the information examined is, "Was this community placement successful" (as defined by the program/agency). The study of these outcomes will allow for important feedback to be provided to the PPP staff working in the institutions.

Additionally, all PAII's are brought together on a quarterly basis for a PPP program meeting, in which numerous topics, issues and concerns are discussed. On a regular basis, the PPP program conducts statewide conference calls in which all PPP program staff from every institution participate. During these conference calls numerous topics are addressed ranging from PPP procedures, program updates, and feedback from field staff.

In April/May 2007 CDCR contracted with UCLA in order to conduct an independent validation study of the COMPAS assessment. The study will be conducted in order to validate the COMPAS assessment tool for the California population.

Post-Release Programs

Parole offers a variety of programs for inmates once they have been released from prison, including computerized literacy centers, employment counseling, substance abuse treatment and recovery, and residential multipurpose centers. According to compstat data, in the fourth quarter of 2006, the department reported that 442 parolees on average attended substance abuse programs on a daily basis. This represented only 80 percent capacity of these programs. Additionally, the department reported that your parolee employment program was only at 41 percent of capacity.

9. Given your limited resources, how do you determine which parolees get access to specific resources? How do you stay informed about the need, availability and/or lack of services in each parole region?

As stated previously, the COMPAS assessment determines specific needs of offenders. The parole agent uses this assessment, in conjunction with the agent's knowledge of the parolee's needs and case factors, to assist in placement into the proper program. All program referrals must be made by the parole agent, using a standard activity report, in order to provide uniform record keeping and accountability.

When parolees are released from custody they are required to participate in the Parole and Community Team (PACT) meeting. The PACT meeting is a collaborative gathering of community service providers and law enforcement agencies that partner in providing access to resources for the parolees. The DAPO's contracted service providers must attend the PACT meetings. The PACT meeting is facilitated by a PAII and a contracted Community Resource Coordinator. Their shared responsibility is to ensure sufficient numbers of providers are available to provide services to the parolee-participants and to develop a community resource guide for the parole district. Many parolees self-refer to programs based on the presentations and displays at the PACT meetings.

The DAPO Program Development Unit manages the contracted parolee services programs. They include the Computerized Literacy Learning Centers (CLLC) (21 sites), the three parolee employment programs (Parolee Employment Program, Offender Employment Continuum, Employment Development Department), Substance Abuse Treatment and Recovery program (31 sites), Residential Multi-Service Centers (RMSC) (18 contracts), Parolee Service Centers (23 contracts), the In-Custody Drug Treatment Program (6 sites), the Community Based Collations (2 sites), and the Day Reporting Centers (3 sites). These programs report participation data monthly and the data is compiled and reported monthly on the CDCR intranet site. Monthly, the DAPO has a Regional Parole Administrators' meeting in which each Regional Administrator and their Chief Deputy Administrators are in attendance. At these meetings, the need, availability and/or lack of services in the region are discussed and the issues raised are shared with the Program Development Unit. Further, when DAPO receives additional funding for any new development and/or expansion of parole programs, DAPO ensures that the Regional Administrators are given the opportunity to provide input or request specific programs and/or sites for the services are needed in their respective regions.

10. *Prisoners are often released without a government identification or enrollment in veterans or other services. What is the best way to help prisoners as they leave prison with day-to-day issues such as getting a drivers license or veterans' benefits?*

Currently, parole agents refer parolees to the Department of Motor Vehicles to obtain identification once released from prison. Ideally, to have connectivity with or staffing from the Department of Motor Vehicles for the issuance of identification cards or

re-issuance of active drivers licenses in the prisons prior to parole would serve as the most effective way for providing identification as a preparation for parole.

In collaboration with the US Department of Veteran's Affairs, the Social Security Administration and the California Department of Health Services, benefits will be applied for on the behalf of potentially eligible offenders prior to parole through a program beginning July, 2007. Formal process agreements between CDCR and the benefit administrators are being finalized, and contracted benefits workers will be placed in the prisons upon contract approval. In addition, mentally ill and disabled parolees receive guidance and assistance from Parole Outpatient Clinic (POC) staff and/or parole agents to apply for benefits post-incarceration.

11. *How do you tailor parole programs for female offenders, and how do you coordinate with the Associate Director, Female Offender institutions?*

All programs operated by the DAPO are available to both male and female parolees. In most of the programs, the females participate in the same settings as the males. There are a few exceptions, as follows:

- Three Parolee Service Center facilities are female-only programs:
 - Hoffman House, Los Angeles County
 - Eimago, Los Angeles County
 - National Crossroads, San Diego County
- One In-Custody Drug Treatment Program (ICDTP) site is female only:
 - San Francisco County Jail

Additionally, the Female Offender Treatment and Employment Program (FOTEP), which is operated by the Division of Addiction and Recovery Services (DARS), is a female-specific aftercare program for parolees who have completed substance abuse treatment programs while incarcerated. Although it is not a DAPO program, FOTEP providers tailor their services to the needs of female parolees. FOTEP participants are allowed to have their minor children reside with them in the programs to help strengthen family reunification efforts.

The DAPO recently released a Request for Proposals (RFP) for 400 female beds statewide under the newly developed Female Residential Multi-Service Center Program (FRMSC). These will be the first beds under this new program. The RFP, which was developed in close collaboration with the Associate Director for Female Institutions, and with the consultation of leading experts, calls for providers to deliver a program that is tailored to the specific needs of female offenders. The services and staff will be family focused, culturally competent, strength-based and trauma-informed.

Finally, several DAPO staff members, including one Regional Parole Administrator, are members of the Department's Gender Responsive Strategies Commission, which is chaired by the Associate Director for Female Institutions. These staff members regularly update the DAPO with the insights they gain at the Commission meetings.

12. *We have been informed that parole programs will be handed over later this year to Adult Programs. How will this impact parole field offices and your ability to ensure accountability? For example, will classes still be held in parole offices?*

Although a decision has yet to be made regarding the transfer of DAPO's parole programs to the Chief Deputy Secretary for Adult Programs, there have been ongoing discussions with the Administration on this issue. Discussions include how programs will be best administered and managed.

The DAPO is proud that we have developed a large number of programs to serve the needs of parolees. Each program is designed to address one or more circumstances that place parolees at a higher risk of recidivating, including but not limited to substance abuse, unemployment, illiteracy, and homelessness. These programs are vital to our ability to maintain parolees in the community, reducing the rate of both violations and revocation. The programs are all accessible to our parole agents by means of a simple referral.

A critical part of the organizational transfer of these programs, if implemented, is the Service Level Agreement (SLA). This agreement would set forth the obligations of both parties with respect to the programs. The agreement would require regular and ongoing communication between Adult Programs and DAPO regarding program utilization and vacancy levels. It also would require DAPO to maintain a sufficient level of referrals to keep the programs filled. Under the terms of the agreement, the programs would continue to operate in the same way that they do now. That does include the Substance Abuse Treatment and Recovery classes, CLLC and employment services that are held in parole unit offices throughout the state.

Utilization data will continue to be part of DAPO's Computer Statistics (COMPSTAT) reports. Regional Parole Administrators will still be accountable for keeping the programs filled. Finally, field staff who are assigned to those programs would be a key communication and liaison linkage between DAPO and Adult Programs.

COMPSTAT currently captures approximately 140 categories of information ranging from fiscal to personnel and program utilization data. This data is invaluable in giving an overall view of operational functioning at the Regional and Division level. Monitoring program utilization with this instrument on a monthly and quarterly basis allows the anticipation of trends in utilization and prompt corrections. The continued sharing of this

data via the SLA with Adult Programs would provide program utilization measures. Collaboration between DAPO and Adult Programs will ensure the ongoing development of these vital resources in the reduction of recidivism.

A key program in the linkage of parolee to post release programs is the PACT Parolee Orientation Meeting. If the transfer is implemented, representatives from the programs that are transferred will continue to participate in the Parolee Orientation Meeting and represent the ranges of adult services provided to parolees. Commensurate with ongoing efforts to improve the quality of services provided, the PACT program staff have initiated the first steps of a self evaluation with the goal of adopting the best practices in the community policing model the PACT program is based upon.

The PACT program staff is developing a questionnaire and will survey parole agents, police officers, public agencies, faith based organizations, community based organizations and parolees who participate in the program in an effort to identify areas in need of improvement. The resulting assessment and ongoing dialogue will prompt adjustments to the PACT program as a mechanism to sustain optimum levels of program participation.

In addition to the formal requirements of the SLA, I am taking other steps to ensure that we have good communication between Adult Programs and DAPO. As one example, I have begun holding regular meetings with all of the division directors under Adult Programs, in order to help ensure that DAPO is up to date with their operations, and also to help deal with any issues or concerns they may have.

The DAPO programs are an essential element of DAPO's mission. Research consistently shows that supervision alone is not sufficient to reduce recidivism; it requires supervision plus programs to really make a difference. I am confident that if the decision is made to transfer the programs out of DAPO, we will continue to have the mechanisms and the relationships to maintain the programs at a high level of quality and utilization.

13. *What role does your division play in providing post-release services for inmates released to parole substance abuse treatment programs inside the prison?*

The Department's in-prison substance abuse programs are operated by DARS. Offenders who complete the in-prison programs all have the ability to participate in aftercare treatment when they are released on parole. The aftercare programs are also operated under contract to DARS. The principal aftercare programs are the Regional Substance Abuse Services Coordination Agencies (SASCA) and the FOTEPs.

Until this calendar year, almost all of this aftercare has been voluntary. However, this year there are two new programs that impose mandatory aftercare for portions of the parolee population. One of those programs, which was enacted last year by SB 1453, provides for the discharge of eligible parolees who complete 150 days of aftercare. The other mandatory aftercare program is a pilot program initiated by the Department that is being implemented concurrently in two institutions. Both programs will allow us to test whether mandatory aftercare is effective in reducing recidivism.

The DAPO plays supporting roles in this aftercare system. For parolees who are subject to voluntary aftercare, the parole agent can help to encourage the parolee to remain in treatment. If such a parolee is not in treatment, and shows signs of relapsing into substance abuse, the agent can refer the parolee to an aftercare provider.

For parolees who are subject to mandatory aftercare, it is the parole agent's responsibility to enforce the special condition of parole that requires treatment. Since these special conditions are imposed by the BPH, any failure to complete the program as ordered must be reported to the BPH. The BPH may impose any of a variety of sanctions in response. For parolees who are ordered into aftercare under the provisions of SB 1453, it is the parole agent's responsibility to prepare and submit the discharge package upon the completion of the required 150 days of treatment.

As DARS is under Adult Programs, it operates programs that provide critical rehabilitative services to the offenders and parolees under the jurisdiction of Adult Operations, including DAPO. As I mentioned in my response to question 12 above, I am committed to a cooperative working relationship at all levels of DAPO with the people and programs that serve our parolees. I communicate regularly with the Director of DARS, and my headquarters and field staff work cooperatively with DARS staff and providers. It is my clear expectation that those relationships will continue at all levels.

14. *What role does your division play in providing post-release services for inmates released to parole from mental health treatment programs inside the prison? While on parole individuals are not eligible for programs funded by Proposition 63, but this changes after parole. Are you working with counties to get parolees into Proposition 63 programs after parole?*

Prior to release, contracted social workers in the Transitional Case Management Program provide services to bridge mentally ill offenders to the POCs. At post-release, DAPO has POCs which provide clinical staffing in the parole units throughout the state. In February of 2007, DAPO began providing increased appointment frequency for parolees immediately following their release from prison. All mentally ill parolees receive an intake evaluation, and are eligible for continued services and medication management upon parole, and throughout the parole period. When a parolee requires

mental health care above the POC service level, DAPO contacts the counties for evaluation and care if available.

DAPO staff has met with counties and various private providers in an attempt to develop formal processes for transitioning mentally ill parolees from POC care to a local mental health provider upon discharge from parole. This is an ongoing project with various counties and private providers with continuing communication, but at this time no formal processes have been produced from our efforts.

Provision of mental health care services and various resources for parolees are being addressed in pending legislation and AB 900. I believe that additional resources for focusing on this population will be beneficial.

Housing and Homelessness

A key to successful reentry into society is finding a stable place for the parolee to live. Your predecessor indicated that one-third of the parolees in Los Angeles were homeless, and parole agents in Los Angeles say it is a widespread problem, especially downtown. However, in the fourth quarter of 2006, the department reported almost no homeless parolees in the greater Los Angeles region. The department did report 19,000 parolees at large and another 2,000 as transients, defined as people who have no permanent residence.

- 15. Please expand on these figures and explain the scope of the problem as you would define it. How do you survey homelessness among parolees? How do you differentiate between a transient parolee and a homeless parolee? What strategies are you working on to address this issue? What measurable changes should we expect to see in the near future?**

As a result of COMPSTAT reporting, the Division's data collection and validation process have improved significantly. DAPO created the CalParole database for information related to parolees statewide. Residence information and other relevant data is entered into CalParole at the local parole offices. The homeless data reported in COMPSTAT is extrapolated from the CalParole database. Field agents utilize this database to track critical elements of parole, such as parole status, employment, and residence. CalParole has the most current and accurate information available.

The terms "homeless" and "transient" can be seen as interchangeable. Living "on the street" is a rarity among the parolee population as providing stable housing to this population is a goal of DAPO. By definition, parolees who do not have a physical address are defined as homeless and entered as such in CalParole. A transient parolee is defined as someone with a temporary physical address who frequently moves to another physical address. During the course of the parole agents' case

management, parolees are required to provide an address and/or location, although it may be temporary, in order to supervise them in accordance with the Memorandum of Understanding.

There are numerous studies that directly relate residence stability to successful parole adjustment. In Region III, the homeless population has concentrated and settled in the downtown area of Los Angeles. This has become a concern for both the Los Angeles Police Department (LAPD) and the agents who service the area. Several approaches have had an impact in reducing the number of homeless in this area, and we have specific strategies to continue the progress. Region III assigned two parole agents full time to work with the LAPD Safer City Task Force. They have provided LAPD street officers with training and placement options for the homeless parolee population. As a result, arrests of the violent, homeless predators have increased.

Another approach in reducing the homeless parolee population is to have additional residential facilities available to provide housing in the city of Los Angeles. Presently, there are 974 beds available for housing the homeless and indigent parolees within the city of Los Angeles.

Removing the criminal component and providing residential placements has had a positive impact in Los Angeles, but there is more to be done. Many homeless parolees also struggle with mental illness. In Los Angeles, we are assigning a POC Licensed Clinical Social Worker with an agent to provide mental health services to the homeless parolee population.

There are nine scheduled parole agent academies that began in November 2006 through November 2007, which will provide 360 new parole agents. I expect Parolee-at-Large numbers to decrease as additional parole agents are hired. This will result in a manageable caseload that can provide meaningful supervision and successful parole. The greatest impact on the numbers of absconders, transients and homeless offenders will be accomplished by providing services. It is apparent that when caseload counts are reduced, agents have more time to provide critical services necessary to maintain parolees safely in the community.

Through our PPP program, we are able to identify housing needs prior to an offenders release onto parole. Parole agents and DSWs are given the opportunity to address housing needs and other critical service referrals for a successful re-entry into the community.

Additionally, as stated previously, parolees are required to attend the PACT orientation meeting upon their release, where they are introduced to Community Service Providers who can assist in addressing their housing needs. Employment needs are also addressed as a critical component to housing and successful re-entry. This is an

important issue and by taking steps to follow the outlined strategies, an overall decline in the number of homeless population will be realized.

16. *What role do you play in approaching local governments, businesses, or organizations about employment or housing opportunities they might provide parolees? If it is not your role, who is responsible for finding public or private organizations to provide job opportunities to parolees? What is the role of the Division of Community Partnerships in this effort?*

One of my highest priorities has been communicating the need for collaboration between state, county and city entities in managing the needs of our parolee population. The private sector and faith-based organizations must also play a role. During the past year, I have traveled extensively throughout the state to personally get the message out that the effective re-entry and successful adjustment of parolees must be a shared community responsibility. CDCR/DAPO cannot do it alone.

As an example, I just returned from the Southern California Summit on Policing, Parole and Prisoner Reentry, attended by approximately 150 law enforcement and community leaders, where I, along with Dr. Petersilia, were featured as keynote speakers. We were united in expressing the need for local housing, programs, treatment and employment development.

Other outreach efforts include meetings with: California Sheriff's Association; San Bernardino County Sheriff, Mayor, Probation and District Attorney, and Police Chief's Association; Los Angeles Deputy Chief of Police and Assistant Chief; Riverside County Sheriff and City officials; Sonoma County Police Chief's Association; San Joaquin County Sheriff's Association, Probation, District Attorney Association and Stockton Police Chief; Folsom Police Chief; Sacramento County Sheriff and Sacramento City Police Chief; and Garden Grove Police Chief and local officials. There is a common theme throughout these meetings; that is to continue communication and collaboration.

In addition to my personal efforts, I have also instructed Regional management to reach out to local entities for assistance with parolee re-entry strategies. The DAPO Program Development Unit has made great efforts to recruit and develop local government and private sector interests in a variety of parole reform programs throughout the state.

The Division of Community Partnerships (DCP) mission is to seek out partnerships and develop meaningful programs and processes to promote shared responsibility for community safety. DAPO works in conjunction with the DCP to identify and address the needs of offenders to improve public safety through collaborative relationships.

The DCP plays a significant role in this effort and has recently awarded Community Based Re-entry Initiative (CBRI) and Inter-Governmental Program (IGP) planning grants

in 20 locations throughout the state. These grants are designed to create incentives for local communities to develop collaborative service delivery systems that assist offenders with successful re-integration into their communities.

I understand the need for success in this critical area. Successful program development can be accomplished with the active participation of local government and private entities.

Historically, local governments have seen re-entry as a state problem and have been reluctant to assist. Local agencies have refused to approve Conditional Use Permits required to become licensed in order to contract with the state to provide parolee services and housing. In addition to my ability to communicate effectively with local government and private entities, I am committed to work on an implementation strategy with the Secretary and leadership in the Capitol and Governor's office.

17. Residential multi-service centers are often discussed as a successful way to reintegrate parolees back into a community. Parolees can live in these facilities, receive meals, attend education classes, and receive job counseling. For the fourth quarter of 2006, you reported that all of the slots for parolees at residential multiservice centers were full. What efforts are being made to expand these facilities?

At the end of 2006, the DAPO had contracts with nine agencies to provide RMSCs in Alameda, Fresno, Kern, Los Angeles, Sacramento, San Francisco, San Diego, San Joaquin and Yolo counties with the ability to provide housing and wrap-around services to 521 parolees daily. In February 2007, I personally met with Riverside and San Bernardino County officials to gain the support for establishing RMSCs in their communities. Staff have been directed to act as Ambassadors to continue ongoing communication with these offices. In March 2007, an additional 207 beds were added to existing facilities: Kern County increased 25; Los Angeles County increased 167; and San Francisco County increased 15, giving us a current total of 728 active beds. We are currently maintaining a statewide occupancy level of 93 percent, with ten of the 17 facilities at either 99 or 100 percent.

For Fiscal Year 2007-08, DAPO is in the process of creating additional housing and wrap around services with a 400 bed capacity in RMSCs specifically tailored to meet the needs of the female parolee population. I continue to direct DAPO staff to promote RMSCs through direct communication with public and community agencies and active participation with community agencies in their counties for new potential vendors to meet the needs of our client population.

The DAPO has a similar program called Parolee Service Centers, which also provide residential and other supportive services to parolees. This program is currently funded for 1,140 beds, of which 819 are under contract. A solicitation for the remaining 321 beds is now underway.

Governor Schwarzenegger has proposed moving as many as 4,500 nonviolent and nonserious female offenders into secure community facilities close to their families and communities.

18. *What role do you envision for parole in these facilities? Are you developing programs tailored for them? Please explain and describe your role with respect to the role of the Chief Deputy Secretary of Adult Programs and the Associate Director of Female Offender Institutions.*

As the Director of DAPO, my role in the female offender reform is to work collaboratively with the Chief Deputy Secretary of Adult Programs and the Associate Director, Female Offender Program, to establish a framework for a coordinated departmental approach to manage, supervise and treat female offenders within the institutional and community environment. Our collective goal is to enhance public safety and break the intergenerational cycle of crime and incarceration by providing female offenders with a continuum of "wrap around" services from reception to CDCR to discharge from parole.

The DAPO has played a key role in the CDCR's female offender reform efforts since the inception of the Gender Responsive Strategies Commission (GRSC) in January 2005. The CDCR established the GRSC to develop an overall strategy for improving the outcomes for juvenile and adult females incarcerated and on parole by implementing gender appropriate operational practices, programming, medical and mental health care, treatment services and community placement. This reform reflects the recommendations of the Little Hoover Commission (2004) and the research on gender responsive strategies conducted by the NIC (2003).

As Director, I envision that DAPO will continue to play an active role in the overall CDCR Female Offender Reform. Thus far, DAPO has collaborated with the Associate Director, Female Offender Programs, in the development of the GRSC Strategic Plan and the RFPs for the Female Rehabilitation Community Correctional Centers (FRCCC) and the FRMSCs. The FRCCC will implement a coordinated case management system that will follow the female offenders throughout their incarceration and parole. The FRCCC case manager will conduct the COMPAS assessment and work with the FRCCC contractor staff to develop an Individual Treatment Rehabilitation Plan (ITRP) that will delineate the services to be provided while incarcerated and on parole.

The CDCR is in the process of tailoring the COMPAS assessment to identify the needs specific to female offenders. Patricia Van Voorhis, PhD, (Professor of Criminal Justice

at the University of Cincinnati and Director of the University of Cincinnati Corrections Institute) is currently under contract with CDCR to develop a component that will add gender responsive factors to the COMPAS assessment.

The ITRP and the COMPAS assessment will be transmitted to the parole agent to ensure seamless transition from FRCCC to parole. The parole agent will work collaboratively with the case manager to ensure that female offenders receive needed services and programs as identified in the ITRP and COMPAS to meet their treatment goals. The parole agent will then develop a parole plan that focuses on treatment goals through appropriate program referrals.

For female offenders who parole from an institution, the continuum of care will begin with a DAPO Institutional PAI and PSA completing the COMPAS assessment. The assessment will be forward to assigned agent of record during the re-entry planning stage. It is envisioned that when the female reforms are fully implemented, the ITRP will also be used by the prisons. Female offenders regardless of their paroling facility will be encouraged to participate in a residential treatment program upon their release from prison. The University of California, Los Angeles studies have shown that female offenders who participated in an in-prison therapeutic substance abuse program, followed by a residential aftercare program on parole have a significantly lower recidivism rate.

Beginning in November 2007, the FRMSC will provide a new option for female offenders who are homeless or in need of safe housing upon parole. The DAPO has been operating RMSCs since 1991 with the majority of these facilities housing male parolees. The FRMSCs have been tailored to meet the specific needs of female offenders. The FRMSC, like the FRCCC, is based on the vision and mission of the GRSC and the NIC Gender Responsive Strategies Research, Practices, and Guiding Principles for Women Offenders (Barbara Bloom, Barbara Owen, and Stephanie Covington):

- **Vision:** Provide safe environments where female offenders are treated with dignity and respect and receive effective gender-responsive services.
- **Mission:** Provide female offenders with gender-responsive supervision, treatment and services that increase opportunities for successful reintegration into their communities while reducing the numbers of females incarcerated in California.
- **Gender-Responsive** means creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women's lives and addresses the issues of the participants. Gender-responsive approaches are multidimensional and are based on theoretical perspectives that acknowledge women's pathways into the

criminal justice system. This definition provides the foundation for gender-responsive policy and practice (Bloom, Owen & Covington, 2000).

The RFP for FRMSC requests beds in the following locations:

SITE	COUNTIES	NUMBER OF BEDS FISCAL YEAR 2007/08
1	Los Angeles	50
2	Orange	25
3	Riverside	25
4	San Bernardino	25
5	Solano	25
6	Fresno	25
7	Santa Clara	25
8	Santa Barbara	25
9	Alameda	25
10	Sacramento	25
11	Tehema	25
12	Placer	25
13	Kings	25
14	Kern	25
15	San Joaquin	25
	TOTAL BEDS	400

The following services will be provided by a FRMSC:

- Program Orientation
- Risk and Needs Assessment
- Individual Treatment and Rehabilitative Plan
- Coordinated Case Management
- Trauma Treatment
- Substance Abuse Education and Treatment Counseling
- Cognitive Skills Development
- Relapse Prevention Education
- Domestic Violence
- Life Skills Development
- Family Focused Services
- Parenting Skills Training
- Educational Services/GED Preparation
- Vocational/Job Readiness services, and employment placement services/job retention
- Referral to other appropriate agencies as needed
- Discharge Planning
- Alumni Group participation

Once the FRMSC is implemented, I will track bed utilization via the COMPSTAT process.

The continuum of care for the female offender will include, but not limited to, the other CDCR funded programs such as the SASCA, Parole Services Network (PSN), and FOTEP. For female offenders who meet the criteria under SB 1453 and who elect to participate in any of the above listed residential treatment programs (including the FRMSC), they will be eligible for an early discharge upon successful completion of the program's treatment goals.

Over the next year it is also my intent to work closely with the Associate Director, Female Offender Programs, to: review DAPO policies to ensure that the division has gender-appropriate policies, programs and practices for female offenders; explore the feasibility of Gender Responsive Caseloads; and development of Gender Responsive Training specifically for parole agents.

Since the Parole Program Development Unit will transition in July 2007 from DAPO to Adult Programs, I will work closely with the Chief Deputy Secretary, Adult Programs to ensure a smooth transition.

DAPO will also continue to fulfill our obligation to enroll parolees in the CDCR funded programs to provide the continuum of care and needed opportunities for their successful re-entry to the community.

AB 900 includes lease-revenue funding for 12,000 re-entry beds for individuals nearing release or with short prison terms.

19. Is your division involved in the early discussions around implementation of AB 900? What role do you envision parole will play in this effort?

The entire CDCR/DAPO management team has been involved in the discussions and planning for implementation of AB 900. Secretary Tilton has personally coordinated a number of executive level meetings to ensure we all understand the importance of this legislation and the expectations the legislation identifies for our specific area of responsibility. The Governor and his executive staff made a personal appearance at the last meeting to offer support and reaffirm the importance of collaboration to achieve success in this undertaking.

Clearly, DAPO is most often the "input" side of community based program service delivery obligations and commitments identified in AB 900. The entire DAPO team is working closely with Chief Deputy Secretary, Adult Programs and staff, as new and expanded programs and grants are initiated in local communities. I meet routinely with the Directors assigned to Adult Programs to ensure the coordination between the operations is effective. In my travels throughout the state I am often accompanied by Program staff and managers as we visit treatment sites and meet with local leaders and service providers. I see this obligation to be ongoing through both phases of the implementation of AB 900.

One of the initial outcomes of the legislation was the Declaration submitted by the Chief Deputy Secretary, Adult Operations to the Court, providing the additional efforts CDCR and DAPO have in place or are developing to address the issue of over crowding in the institutions. Predictably, parole reform was one of the issues the court had asked for additional clarification and information prior to making a decision to refer the issue to the three judge panel. I worked closely with the Chief Deputy Secretary to craft this response. In this document, CDCR/DAPO committed to the implementation of the decision making matrix and the PC §3001 discharge policy statement. Furthermore, the Court was informed that the discussion regarding parole reform and case management strategies were ongoing with the Secretary and others. There is an expectation that additional policy statements and population management strategies may be a part of future recommendations submitted to the Governor.

My sense is that this legislation will serve to broaden the scope of possible solutions to the overcrowding crisis. On a personal note, it is fascinating to me to be so personally

involved in one of the great social debates of our time; the treatment and re-entry of offenders in the largest criminal justice system in the nation. I look forward to the challenges this represents for me as a leader and DAPO as a public safety organization.

High-Risk Offenders

Like many states, the department has struggled to find appropriate housing for sex offenders and other high-risk parolees.

20. *In light of the passage of Jessica's Law, how have you prepared to implement the new restrictions on where sex offenders can live? What are the specific challenges to finding housing for these parolees, and what is your role in locating suitable living places?*

Approximately 87,000 Californians have been convicted of a sex offense requiring them to register as a sex offender pursuant to PC §290. Of these 87,000 registered sex offenders, approximately 9,000 are under the jurisdiction of the CDCR and the remaining 78,000 are under the jurisdiction of county probation, are on federal probation or parole or are private citizens with no supervision required.

On November 7, 2006, Jessica's Law was passed by California voters. However, the day after the law passed, court challenges were filed requesting temporary restraining orders on enforcing specific portions of the law. There were many questions concerning the scope of the law in relation to legal interpretation and legislative intent.

As required by law, an inmate who is released on parole shall return to the county that was his or her last legal residence prior to incarceration. DAPO is responsible for ensuring compliance with residency restrictions for sex registrants while on parole. This obligation terminates upon an offender's discharge from parole. DAPO parole agents generally assist parolees by providing information regarding compliant housing within the community, if available, and contact information for local community service agencies. It remains the responsibility of the parolee to utilize these resources to locate compliant housing. Many parolees do, in fact, locate suitable compliant housing.

With the exception of specified HRSOs, which fall under more restrictive housing requirements provided under current law, all adult parole sex registrants released from CDCR custody on or after November 8, 2006, are subject to the residence restrictions pertained in Jessica's Law. Implementation of Jessica's Law will require a number of parolees to either re-locate or face administrative disposition for non-compliance. Some of these individuals will find legal residences on their own, while others may receive temporary assistance from DAPO. Still other offenders that remain non-compliant are subject to sanctions.

In September 2006, I authored a letter with the purpose of providing advanced notice to registered sex offenders under the jurisdiction of DAPO. In October 2006, DAPO provided to the Regional Parole Administrators, District Administrators, and Unit Supervisors a copy of the letter with specific instructions for dissemination of this information to ensure all active sex offender parolees were notified of the potential ramifications of Jessica's Law. In addition, the letter was enlarged to poster-size and distributed to the Regional Sexually Violent Predator (SVP) coordinators with instructions to disseminate to all field offices for posting. The letter specifically noted that individuals with residences within 2,000 feet of any public or private school, or a park where children regularly congregate, would be required to move to a compliant residence.

From November 8, 2006 to April 24, 2007, approximately 3,970 adult sex offenders have been released to parole. As a consequence of a geo map projection, DAPO estimates that as of March 2007, approximately 1,355 adult parole sex offenders are out of compliance with the 2,000 foot residence restriction. Many may be unable to find compliant housing and will be forced to leave established and stable family and job situations. Our experience has demonstrated that an unemployed and transient parolee often becomes dependent upon social agencies for their support and recidivate at a much higher rate than others in the parolee population. It is estimated that it will cost millions of dollars each month to house this population until permanent, compliant residences can be located. It has been demonstrated in other states with housing restrictions imposed on this parolee population that the inability to find compliant housing leads to an increase in the number of parolees who abscond from supervision. Predictably, a homeless parolee is much more difficult to supervise and/or provide adequate services and social aid. This is not a desired outcome for either the parolee or the public.

As a consequence of the Governor's High Risk Sex Offender Task Force, a statewide housing summit was organized by CDCR/DAPO in March of this year. Although no clear cut answers were reached in this summit, the social debate surrounding prisoner re-entry and housing is now being actively discussed across the state. To this end, DAPO/CDCR participated in a regional summit discussing this topic in San Bernardino and Riverside County and is in the planning stages for another regional discussion in Los Angeles in the coming months. Most importantly, the shared nature of this obligation and the implications collaboration have on public safety are now being actively contemplated and planned for by cities and counties throughout California. In conjunction with the community re-entry and community partnerships grants significant progress in being made as we all work through the specific challenges this issue creates the stakeholders.

An important outcome of these and other discussions I and others are having with the local leadership and community members is that the reality that collaboration and team work relative to the transition of parolees to their communities is entirely consistent with

public safety. The current wide spread practice of the "leaf blower" theory of parolee management that some communities have in place as a strategy, and especially as it relates to sex offenders, is absolutely contrary to effective public safety. With education and continued cooperation from DAPO and CDCR I am confident we will meet this challenge together. Recent experience with the City of Riverside and San Bernardino clearly demonstrates that when given the opportunity to be actively engaged in the reentry and placement of parolees in their communities many cities will embrace their responsibilities and work towards a shared resolution.

The housing issue and the complexities of the public safety, social, political and economic realities associated with this are just now being actively discussed at the local level. More importantly, as a consequence of Jessica's Law, the larger issue of prisoner reentry and transition into the community is now on the radar of local law enforcement and community leader across the State. I see this as one of the most positive outcomes of this legislation. I believe there is an obligation for the Director of DAPO to be actively engaged in leading this debate and ensuring that communities understand the factual implications of the parolee population in their communities. With the renewed commitment to programming in and out of the institutions, the commitment to create meaningful partnerships with local governments and the creation of re-entry facilities at the local level I am confident we can and will resolve this debate in the coming years.

Parole Revocations

21. *What is your role in implementing the department's response to the Valdivia lawsuit, which requires certain due process guarantees for parolees? What is the status of the department's remedial efforts in this lawsuit?*

As the Director of DAPO, my role is to ensure that state and federal rights of parolees are protected. In response to the Valdivia lawsuit, the DAPO continues to work cooperatively with the Plaintiff's attorneys, to ensure our division, and Department, is making all efforts to implement policies and procedures that are consistent with the mandates set forth in *Valdivia v. Schwarzenegger*. As Director, I have met with the Plaintiff's attorneys, the Special Master, the Court Compliance Team and the Attorney General's staff frequently, a practice the attorneys have said has never been in place at DAPO. In conjunction with the routine oversight I mentioned in my earlier responses, I will continue to personally participate in the periodic personal meetings with the Special Master and the attorneys. It is also my commitment that DAPO is committed to developing compliance strategies that are timely and on point that will realistically minimize the State's exposure to further litigation around these issues.

The DAPO continues to address due process and remedial efforts by having designated DAPO staff assigned to a Valdivia Task Force, a multidisciplinary group with members representing various state departments involved in the Valdivia process. The task force

meets bi-weekly, working jointly to implement policy and procedures necessary to bring departmental staff in compliance with remedial efforts and stipulated orders, as necessary. The DAPO staff also works cooperatively with Department legal staff and with Plaintiff's attorneys by participating in monitoring tours of both institutions and DAPO field units to identify any deficiencies and develop corrective action plans that are amenable to attorneys representing plaintiffs, and within the Department's purview. As needed, key departmental staff conducts "meet and confer" meetings with the Plaintiff's attorneys to resolve issues of concern and prevent additional court intervention.

The DAPO is also responsible for the development and maintenance of the primary database used by DAPO and BPH during the revocation process, the Revocation Scheduling and Tracking System (RSTS). The RSTS is continuously being updated and modified to better track parolees going through the revocation process, and to provide needed statistical data to assist DAPO in identifying areas of concern that may result in violation of a parolee's due process. The DAPO continues to work cooperatively with the Valdivia Special Master and those representing Valdivia class members, in modifying RSTS to ensure sufficient safeguards are in place to prevent due process violations and to provide management with data needed to gauge progress and compliance.

The DAPO constantly reviews processes initially developed at the onset of the Valdivia Remedial Plan. For example, after identifying an ongoing problem with the revocation packets keeping pace with the movement of parolees once transferred to an institution, DAPO initiated the Revocation Packet Scanning Pilot. In lieu of sending packets via overnight mail to the respective Decentralized Revocation Unit (DRU), the packets were scanned and made accessible via email. One DRU and six parole units participated in the pilot. The scanning process allows for real-time retrieval, a reduction and/or elimination of misrouted revocation packets, which ultimately results in ensuring Valdivia timeframes were met. An added benefit is the reduction in overnight mailing costs. At the conclusion of the pilot, DAPO determined that an expansion of the scanning process was warranted and is currently reviewing funding options to supply all DAPO field units with necessary equipment needed for the scanning process.

As requested by the Special Master, the DAPO is developing a training plan for DAPO staff to assure that remedial sanctions are reasonably considered at each stage of the parole revocation process, and are appropriately and fairly available to parolees.

Critical to the success of DAPO is the importance placed on remedial sanctions in lieu of revocation. In working with Plaintiff's counsel, DAPO has agreed to a number of plans that will enhance the availability and frequency of use of remedial sanctions. This includes, but is not limited to increasing access to remedial sanctions for women and mentally ill parolees; greater flexibility with inter-county transfers to allow for use of remedial sanctions, and the addition of dual diagnosis beds within the In Custody Drug

Treatment Program (ICDTP). Additionally, DAPO has committed to using 250-500 Electronic Monitoring Units.

The DAPO consistently updates field staff of the availability of remedial sanctions and the need to maintain an appropriate balance between controls and services, emphasizing the use of sanctions that are least restrictive methods, yet consistent with public safety.

The DAPO continues to cultivate partnerships with county and privately contracted facilities to increase the availability of programs for parolees whose behavior has warranted intervention, not revocation. The DAPO has been making efforts to expand the ICDTP from 288 beds to 1,800. Due to the expansion being contingent on cooperation from county jail facilities and their constrictions with space, progress has been slow. Other options are being sought out in an effort to increase contracting opportunities.

There has been progress in reaching agreement with the Plaintiff's counsel and the Special Master on various matters. . However, there are still issues that remain the subject of dispute and negotiation, and other areas that warrant additional attention. A review of the draft Second Report of the Special Master documents areas of improvement that are warranted, but also notes that the Special Master does not feel any court orders are necessary at this time.

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27 Shorthand Reporter
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APPEARANCES

MEMBERS PRESENT

SENATOR DON PERATA, Chair

SENATOR ROY ASHBURN, Vice Chair

SENATOR GIL CEDILLO

SENATOR ROBERT DUTTON

SENATOR ALEX PADILLA

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NETTIE SABELHAUS, Appointments Consultant

BILL BAILEY, Consultant to SENATOR ASHBURN

DAN SAVAGE, Consultant to SENATOR CEDILLO

CHRIS BURNS, Consultant to SENATOR DUTTON

BILL MABIE, Consultant to SENATOR PADILLA

ALSO PRESENT

SANDRA K. YOUNGEN, Director
Division of Juvenile Facilities
Department of Corrections and Rehabilitation

ART GONZALES
California Correctional Supervisors Organization

SUSAN C. MELANSON, Commissioner
Board of Parole Hearings
Juvenile Parole

PETER S. REINKE, Member
Teachers' Retirement Board

LORI EASTERLING
California Teachers Association

JAMES E. TILTON, Secretary
Department of Corrections and Rehabilitation

1 KINGSTON "BUD" W. PRUNTY, Undersecretary
2 Department of Corrections and Rehabilitation

3 DAVID WARREN
4 Taxpayers for Improving Public Safety

5 JOHN LOVELL
6 California Police Chiefs
7 California Peace Officers

8 CHRIS BROWN, Legislative Liaison
9 Association of Black Correctional Workers

10 JOHN MCGINNESS, Sheriff
11 County of Sacramento

12 RICHARD TATUM, President
13 California Correctional Supervisors Organization

14 DAAIYALLAH FARDAN, Chaplain with DJJ
15 Associated Chaplains in California State Service (ACCSS)

16 RON GIVENS, Executive Director
17 Associated Chaplains in California State Service

18 EDWARD BONNER, Sheriff
19 County of Placer
20 California State Sheriffs Association

21 MARK N. PAZIN, Sheriff
22 County of Merced

23 FRANK RAMIREZ
24 The Americas Group

25 DALE RICHTER, Chair
26 Family Council

27 B. CAYENNE BIRD
28 UNION

UNIDENTIFIED WITNESS

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 Statements by Appointees Not Required to
 Appear: EUNICE DAVID, Member, California
 Arts Council; Members of State Park and
 Recreation Commission: JACK A. BAYLIS,
 CARYL O. HART, and PAUL J. WITT; and JOHN
 W. AMERMAN, Member, California Horse
 Racing Board; And Statements Submitted by
 Witnesses

--ooOoo--

SENATOR ASHBURN: Thank you and welcome to the Senate Rules Committee.

We will move to the Governor's appointments appearing today, Sandra Youngen, please, Director of the Division of Juvenile Facilities for the Department of Corrections and Rehabilitation.

Welcome --

MS.YOUNGEN: Thank you, Senator.

SENATOR ASHBURN: -- to the Senate Rules Committee and to your confirmation.

If you'd like to make an opening comment, we'd appreciate it. If there are any family members or friends that you'd like to introduce, we'd like to know that as well.

MS. YOUNGEN: Thank you.

Senator Ashburn and Members of the Committee, my name is Sandra Youngen. And I'm here before you today seeking your recommendation for my confirmation as Director of Juvenile Facilities for CDCR's Division of Juvenile Justice.

I have over 25 years of experience in corrections, most of it with juvenile justice in the State of Washington. And when I realized there was an opportunity to come to California and assist in the exciting changes that are happening here, I jumped at the chance to come and join my colleagues here in California to work towards reform.

I bring with me the experience of having implemented an evidence-based rehabilitative treatment model in

1 a facility in Washington State. It was the largest and housed
2 the most violent juvenile offenders in that state. When I took
3 over that facility, it was not a nice place to be for staff or
4 for the kids there. Violence was extremely high. Youngsters
5 were fighting each other; youngsters were assaulting staff.
6 Kids were in an intensive management unit for months at a time,
7 where they were in their rooms for 23 hours a day. School had
8 very little attendance because kids didn't feel safe to go to
9 school, and because there was such a level of violence at the
10 school that it was difficult for the teachers and staff to
11 control it.

12 Five-and-a-half years later, when I left in
13 November to join the team here in California, I left an
14 institution that was entirely different. The change, reform,
15 for that facility did not come easily, and it did not come
16 quickly, but it happened. And I'm here to attest that I know
17 reform and change will happen in California.

18 So, I appreciate very much the opportunity to be
19 before you. I thank you very much for considering my request
20 for confirmation.

21 And I will just leave you with I feel it's a
22 great honor to have been selected by Governor Schwarzenegger as
23 the Director of Juvenile Facilities.

24 SENATOR ASHBURN: Thank you. We appreciate your
25 opening comments and your willingness to come to California and
26 to take on a difficult challenge for a very, very important
27 task. We're very grateful to you.

28 Are there questions from Members of the

1 Committee?

2 Let's call then for witnesses in support of the
3 nominee. Is there anyone who would wish to speak in support?

4 Please come forward, sir.

5 MR. GONZALES: Thank you.

6 On behalf of the California Correctional
7 Supervisors Organization --

8 SENATOR ASHBURN: Please give us your name, sir?

9 MR. GONZALES: Art Gonzales. Sorry.

10 SENATOR ASHBURN: Thank you.

11 MR. GONZALES: We'd like to take this opportunity
12 to support Ms. Youngen as Director of Juvenile Justice
13 Facilities. She has demonstrated the skills and abilities at a
14 level [sic]. Our organization encourage your aye vote.

15 Thank you.

16 SENATOR ASHBURN: Thank you very much, sir.

17 Other witnesses in support?

18 Is there anyone who would wish to speak in
19 opposition?

20 Let me just raise one issue with you. Senator
21 Cedillo and I have a measure moving through the Legislature that
22 deals with juvenile offenders and those who are fourteen years
23 of age and younger, and the opportunities presented to the
24 courts for dealing with those offenders.

25 Basically, judges have two choices today. They
26 can either dismiss the charges, or they make the juvenile a ward
27 of the court and they begin, perhaps, the downward spiral of
28 involvement in the criminal justice system.

1 What we've suggested is a third alternative to
2 that, and that would be the opportunity for the judge to place
3 the juvenile on a supervised probation.

4 I just wondered how you felt about that, because
5 we anticipate this bill will be going to the Governor, and I'm
6 hopeful that the Governor will be looking to you for a
7 recommendation, since it deals with youthful offenders.

8 MS. YOUNGEN: Well, thank you for providing me
9 the opportunity to provide some input.

10 I truly feel that it's best if we can keep kids
11 close to home and keep them in their local communities, where
12 there's wrap-around services, hopefully, available to address
13 their issues.

14 So, without having read your bill, just
15 philosophically I do support young people staying in their home
16 communities whenever possible.

17 SENATOR ASHBURN: Thank you.

18 And I wasn't look being for an endorsement --

19 [Laughter.]

20 SENATOR CEDILLO: Although we'll be glad to take
21 it.

22 SENATOR ASHBURN: We'll take it.

23 Senator Cedillo.

24 SENATOR CEDILLO: A few random thoughts here.
25 Two questions.

26 One, talk to me about gangs and gang strategies
27 in terms of groupings of people.

28 And then second, I'm interested in terms of,

1 California's very diverse, ever changing new projections on how
2 California's going to grow. The prison budget's now 10 percent
3 of our overall budget.

4 Talk to me about what your thoughts are in terms
5 of your vision in terms of a population that's, no doubt,
6 probably changing in terms of its demographics, language, et
7 cetera. Tell me about that.

8 MS. YOUNGEN: Okay, let me see if I can remember
9 your first question now.

10 SENATOR CEDILLO: What to do with gangs, gang
11 strategies, and talk about some of the complexities when you
12 deal with ethnic gangs?

13 MS. YOUNGEN: Okay.

14 Well, it's no secret that California, being as
15 large as it is, certainly has gang issues. I think the state I
16 came from had them, but certainly not on the level that they're
17 here in California.

18 We have gangs in the institutions, and we try and
19 address it. We cannot address it just by identifying what gang
20 that youngster belongs to, and then trying to suppress any
21 involvement with that gang. We also have to include treatment,
22 and teaching him a different way to deal with conflict.

23 One of the best things that we've implemented in
24 DJJ is a program where we have -- it's called Project Impact.
25 And it's -- it's where we have contracted with folks who used to
26 be prisoners in San Quentin, who now have turned their lives
27 around and come in and work with the kids, both in large group
28 settings and one-on-one. And the kids really relate to them.

1 We're also -- we've hired staff as conflict
2 resolution staff. And so, they're there to teach kids that
3 there's other ways to deal with conflicts and with differences
4 of opinion other than fighting each other and ultimately hurting
5 each other.

6 It's a huge challenge. We're addressing it every
7 day. We hope to get better as we go along, but it's certainly
8 an issue that -- that continues to challenge us throughout DJJ.

9 Regarding the diversity, you're absolutely
10 correct. And one of the exciting things, the neighborhood I
11 live in is very diverse and I love it.

12 I think that what we need to do is celebrate and
13 build on the cultural differences of both the kids that we have
14 and the staff that we employ. And we need to be very sensitive
15 that if a youngster does come in and does not speak English as
16 their first language, that we address as much as possible
17 treatment services in a language that they can understand.

18 I was surprised here, with the number of Latino
19 youngsters that we have, that the number of kids who do not
20 speak English is pretty limited. Where the state I came from,
21 most of the youngsters there who were of Hispanic origin were --
22 a great number of them were undocumented children, and they did
23 not speak English. So for me in Washington, it was a challenge
24 to make sure that I hired dual language staff. And I would try
25 to do that here also.

26 SENATOR ASHBURN: Senator Dutton.

27 SENATOR DUTTON: You've had an opportunity to
28 visit our juvenile facilities?

1 MS. YOUNGEN: Yes, sir.

2 SENATOR DUTTON: What is your opinion as to the
3 condition they're in, and what kind of resources should the
4 Legislature plan to provide you so that you can bring those
5 facilities up to standards?

6 MS. YOUNGEN: Thank you for asking, Senator.

7 Our juvenile facilities are very old, and they're
8 outdated, and many of them are built on a model that's very
9 close to the adult model, with very large buildings where you
10 can cram several inmates or residents into them. They're not
11 conducive to ongoing treatment, rehabilitative treatment, and to
12 the educational classroom settings that we need.

13 So, one of the things that the Legislature could
14 do that would really help us is to continue to support our
15 intent, and hope that we can build some new institutions, one in
16 the north and one in the south, to replace some of our old,
17 deteriorating buildings.

18 SENATOR DUTTON: Thank you.

19 SENATOR ASHBURN: Thank you.

20 Senator Padilla.

21 SENATOR PADILLA: Hello again.

22 MS. YOUNGEN: Hello.

23 I'll apologize if you discussed this before I
24 walked into the room.

25 Part of what I think is your valuable experience
26 that you're bringing to this position is your experience in the
27 State of Washington. Yet, Washington and California are
28 probably two different worlds in some ways.

1 So, can you just share with us either some of the
2 experiences from Washington that you think certainly applies to
3 California, and what sort of unique challenges you've already
4 seen in the limited time in this capacity, that California's
5 either diversity, and geography, size of the population present
6 for you?

7 MS. YOUNGEN: First of all, California's much
8 larger than Washington, and by far, a far more diverse
9 population of residents and staff than I was used to in
10 Washington State, and different demographics.

11 In Washington State, we have a high number of
12 Native American children that are committed to the -- to the
13 juvenile correctional facilities.

14 Surprisingly, when I came to California I had
15 read the media, and I had read the internet, and I was expecting
16 our facilities to be far worse than they are. And what I find
17 is that there are many similarities between the facilities here
18 and the facilities in Washington State. The difference is the
19 size. Washington State does not have any large facilities like
20 Stark, where there are several hundred youngsters confined
21 there.

22 The other difference is the geographic area, and
23 the challenges it presents to families to try and visit their
24 children. I mean children that, you know, live far -- hundreds
25 of miles away from the facilities. And that's a challenge for
26 families. It's also a challenge for staff, because the only way
27 you have to interact with those families is through telephone or
28 through mail. So, that's a challenge.

1 The gang issue is certainly a challenge here, and
2 one that we're going to have to deal with on a daily basis.

3 Some of the other issues, I guess one of the very
4 bright things is, and I was impressed when I was in Washington
5 State, I did have some visits from folks from California who
6 came up to see the facility that I was running. And I was
7 deeply impressed by the commitment of the administration and the
8 commitment of the Legislature to help DJJ move forward towards
9 reform. That's very refreshing and, again, another reason why I
10 wanted to come here.

11 I don't know if I've answered your question, but
12 I hope I have.

13 SENATOR ASHBURN: I'd ask you to pull the
14 microphone a little closer.

15 SENATOR PADILLA: Another question, and we had a
16 chance to discuss this when we met privately, with all the
17 attention being paid to the adult population, and the challenge
18 that we have department-wide in facilities with the adult
19 population, how do you feel about the proper level of attention
20 and resources being given to the juvenile population?

21 And I see the Secretary sitting in the front row
22 here.

23 [Laughter.]

24 SENATOR PADILLA: Pretend he's not here.

25 [Laughter.]

26 MS. YOUNGEN: It's sort of hard to do, Senator.

27 SENATOR PADILLA: In what ways has he been more
28 than just, you know, or behind you one hundred percent? In what

1 ways has it structurally been proven, that level of commitment?

2 MS. YOUNGEN: Well, Senator, Secretary Tilton and
3 Undersecretary Prunty are very supportive of the juvenile
4 system.

5 I personally attend his, the Secretary's,
6 executive committee meetings every other Monday. It's mandatory
7 attendance for me as well as the Chief Deputy Secretary Warner.

8 In addition, the Secretary has made personal
9 visits with me out to some of the facilities. Undersecretary
10 Prunty is constantly calling me on the telephone --

11 [Laughter.]

12 MS. YOUNGEN: -- asking for things.

13 And so, I think that there's great support.

14 And I do think even though we are a very small
15 part of CDCR, we're a very important part. And there's great
16 recognition that we are different. We serve a different
17 population than the adult side does. And I think that that's
18 totally recognized all the way up through the administration.

19 SENATOR PADILLA: Have you been invited to
20 participate in COMPSTAT?

21 MS. YOUNGEN: Absolutely. We -- all of the
22 superintendents report on a quarterly basis to Undersecretary
23 Prunty and to Secretary Tilton, and we do our COMPSTAT
24 reporting, yes.

25 SENATOR PADILLA: What sort of performance
26 metrics are different when applying the COMPSTAT model to
27 juveniles versus adults?

28 MS. YOUNGEN: Some of the things are the same:

1 budget issues, and, you know, staffing issues.

2 But the differences are, we report things like
3 are kids in school? Are they attending school? Are they
4 receiving their mental health treatment? Are they receiving
5 their rehabilitative treatment, you know? What are the trends
6 that we see regarding youth violence, and the efforts that
7 we've -- we've enacted to try and stop it?

8 So, it's a little different reporting. Ours are
9 very much tied to performance-based standards, which is a
10 national accountability model that's been enacted in 28 other
11 states besides California. We're in the candidacy stage of
12 that. And so, we use a lot of our performance-based measures to
13 also report it to COMPSTAT.

14 SENATOR PADILLA: Thank you.

15 SENATOR ASHBURN: Thank you.

16 Any other questions from the Committee?

17 We've already had our witnesses for and against.

18 Is there anything in closing you'd like to say?

19 MS. YOUNGEN: No, I just thank you very much for
20 having the opportunity to be here.

21 SENATOR ASHBURN: Thank you very much.

22 I'll ask the Secretary to please call the roll.

23 SENATOR DUTTON: I'll move.

24 SENATOR ASHBURN: Motion, Senator Dutton.

25 SECRETARY WEBB: Dutton.

26 SENATOR DUTTON: Aye.

27 SECRETARY WEBB: Dutton Aye. Padilla.

28 SENATOR PADILLA: Aye.

1 SECRETARY WEBB: Padilla Aye. Ashburn.
2 SENATOR ASHBURN: Aye.
3 SECRETARY WEBB: Ashburn Aye. Three to zero.
4 SENATOR ASHBURN: That's three votes in favor.
5 We'll leave that roll open, of course, for Senator Perata and
6 senator Cedillo when they return.
7 So, congratulations.
8 MS. YOUNGEN: Thank you, sir.
9 [Thereafter, CHAIRMAN PERATA
10 and SENATOR CEDILLO voted Aye,
11 making the final vote 5-0 for
12 confirmation.]
13 SENATOR ASHBURN: Next I'd ask Susan C. Melanson
14 to come forward, nominated for Commissioner of the Board of
15 Parole Hearings for Juvenile Parole.
16 MS. MELANSON: Correct.
17 SENATOR ASHBURN: Welcome. If you have any
18 introductions or opening comments, we'd appreciate it.
19 MS. MELANSON: Thank you very much, Senator.
20 I want to thank all of the Senators for your time
21 today in considering the confirmation of my appointment, and to
22 let you know that I am just honored to be before you, as honored
23 as I was last year when the Governor appointed me.
24 So, ladies and gentlemen, I am Susan Melanson.
25 My past involved a lot of different types of work, if you will.
26 A lot of the commissioners do have law enforcement backgrounds,
27 and my background is a little more diverse. And I come from the
28 Interagency Council of San Bernardino County, where I headed up

1 the child abuse and the interagency side as well with the
2 external organizations throughout San Bernardino County; created
3 collaborations in each region, and therefore have a lot of
4 knowledge and working history with local programs, and services,
5 and providers. And I think that's my strength.

6 During the hearings, I enjoy learning from the
7 law enforcement community, but I do have some law enforcement
8 contact as well. So, it's just kind of a well-rounded history.

9 When I was called by Fred Aguire about whether or
10 not to apply, I was surprised, thinking how would I fit into
11 this role? But that background has served me well.

12 So, I want to thank you today for having me here,
13 and I'm open to any questions you might have.

14 SENATOR ASHBURN: Good, thank you very much.

15 Let me ask first if there are any questions from
16 the Senators? Senator Dutton.

17 SENATOR DUTTON: Basically, I'll just ask you the
18 same question. Obviously you've had a chance to visit our
19 facilities.

20 MS. MELANSON: Yes.

21 SENATOR DUTTON: I'd like your opinion on those
22 facilities, and what you feel the Legislature should be looking
23 to provide you in order to improve on them and give you the
24 tools you need?

25 MS. MELANSON: Thank you, Senator.

26 I -- I would really just concur with what my
27 colleague told you few minutes ago. They are old institutions,
28 and they are somewhat run down.

1 As far as the boardrooms for -- for the areas
2 that I'm in, for our hearing rooms, we're fine. I don't have
3 any real problem with the hearing rooms. I think everything on
4 that end is okay. That comes under the administration side.

5 I have visited the programs on site at the
6 institutions, and some of them are better than others, clearly.
7 And for the type of programming that we all know we want to see
8 in the institutions, and the direction that I hope my colleague
9 will take the facilities, is something that's going to require a
10 little bit different structure, and -- to be very, very
11 comfortable for the wards to program as we hope they will.

12 So yeah, there's work to be done there.

13 As far as the board is concerned, though, the
14 facilities are satisfactory.

15 SENATOR DUTTON: Thank you.

16 SENATOR ASHBURN: Senator Padilla.

17 SENATOR PADILLA: I was wondering if you can
18 comment for the Committee on sort of your workload, not just how
19 many days a week, but how many cases per day you tend to take
20 up, and how much time it takes, and the preparation time, and
21 all those things?

22 MS. MELANSON: All right, thank you very much.

23 Every day looks different, so I can't really give
24 you a scenario of a day.

25 We can do upwards of probably five to seven
26 parole consideration hearings. But see, I have to qualify even
27 that, because a parole consideration hearing for a ward who's
28 really put their heart into it, and programmed, and done the

1 work, we're going to engage them in a -- in a very lengthy
2 discussion, versus the ward who has taken no interest in
3 programming, who just remains criminal but is out of available
4 confinement time. That hearing is going to be fairly brief.
5 Some of those wards that are out of ACT, or Available
6 Confinement Time, aren't even interested in talking to the board
7 when they come in.

8 So, it is very difficult to answer that question
9 as far as a standard day.

10 Like I say, five to seven parole consideration
11 hearings would include one or two of those that are very brief,
12 and the others would be lengthy.

13 Discharges are a little quicker, and, you know,
14 we have so many different kinds of hearings that no two days
15 look alike.

16 SENATOR PADILLA: And in addition to the actual
17 hearings themselves, I assume you spend a significant amount of
18 time in preparation.

19 MS. MELANSON: Preparing, yes, yes, absolutely.

20 And I know one of the questions that the Senators
21 have had in my brief meetings with you had to do with, how do we
22 prepare adequately? And what about the files ahead of time?

23 When I was actually appointed to this position,
24 when I first started, I thought: I don't see how you could
25 possibly prepare for a hearing without having that ahead of
26 time.

27 When I started doing the work, I found that my
28 thinking didn't fit the actual job. That so many of the

1 hearings that we conduct have many of the same components, that
2 if I read a file a week before, a day before, or the evening
3 before, and I had that particular case come up fifth on the
4 calendar that day, I could very easily confuse some of the facts
5 of the cases, because so much of it is alike.

6 So, the way we prepare now is, we take that 20
7 minutes or so, or sometimes 30, to look through the file. The
8 files are all organized at every institution in the same manner.
9 And so, we know what we want to look for. Personally, I look
10 for when did they first come in contact with law enforcement.
11 That tells me a lot about their history, and their criminal
12 activity, and how it became that they -- that led them to the
13 institution that we're in.

14 And then, of course, I'm going to look at, first
15 and foremost, their programming: How are they doing, and have
16 they made headway? And those notes are in the file and they're
17 in the report that is provided for us on this hearing.

18 So, we have the report. We have the file. We
19 know what to look for. If there's any psychological report on
20 this ward, I definitely want to read that. I want to know how
21 they have assessed the wards.

22 So, there's a lot of information. And preparing
23 ahead of the hearing is not problematic. So, I wanted to share
24 that with you, because I had that question myself when I took
25 this job.

26 SENATOR PADILLA: Half of the concern about
27 workload is sort of the pressures and the demands on you and
28 your ability to live up to the job.

1 The other part of the concern is, if at some
2 point it does get so much, does it ever compromise the fairness
3 of the hearing and the integrity of that process?

4 MS. MELANSON: Thank you. That's an excellent
5 question.

6 I never rush a hearing. I never rush a hearing.
7 My hearings last, on a -- on a regular parole consideration
8 hearing, I probably take 45 minutes to an hour. And that's
9 giving a lot of time for the ward to really talk to us in depth
10 about what they've learned, how they've changed, what's
11 different. I ask them all about their families. I want to --
12 to know about the family. I want to know about their support.

13 They have to tell us about the crime in depth, by
14 detail. They have to literally paint us a picture. And if they
15 don't do that adequately, they don't get paroled, because
16 they've got to be able to take 100 percent responsibility for
17 the reason they were incarcerated. And until they can do that,
18 then they're not parole ready.

19 So, there are some real indicators for us, some
20 measurements that we're looking for during the hearing.

21 And I can honestly tell you, in the almost year
22 I've been doing this, I have never rushed a ward during a
23 hearing. I take extra time when the wards want to talk about
24 and brag about what they've been able to accomplish, you know.
25 And -- and the more I do this, the more I find they do want to
26 spend some time bragging. And so, I encourage that.

27 SENATOR PADILLA: Finally, so you get a chance to
28 visit different facilities for the hearings?

1 MS. MELANSON: Yes.

2 SENATOR PADILLA: As I'm sure you hear from a lot
3 of wards, every case is different. But over time, you hear
4 enough cases that you can sort of extrapolate some assumptions,
5 or some lessons, I imagine, from what you're hearing from the
6 wards.

7 Is there built into your schedule or your
8 communications any structured feedback to facility staff, or to
9 your superiors on what's going on in juvenile facilities?

10 MS. MELANSON: Yes. You know, I've spent extra
11 time when I've had it, whether it be after hours or when I'm
12 traveling, I'll take the extra time at the institutions to
13 actually visit the programs in the institutions, and to visit
14 the group homes and the programs outside the institution. And
15 in doing -- I'm sorry. I've lost my train of thought, Senator.
16 The question again?

17 SENATOR PADILLA: What sort of feedback --

18 MS. MELANSON: The feedback.

19 SENATOR PADILLA: -- are you able to get?

20 MS. MELANSON: We are -- we are taking that
21 information and actually bring it back to either Chuck Supple,
22 our Executive Officer, or for it to be passed through, or I -- I
23 will share all that information with other board members in my
24 region who can benefit by having that information and knowledge.

25 And -- and from the wards, when I visit the
26 institutions, and the group homes, the placements, they will say
27 to me, "Do you remember me?" And it's really cute. And they
28 want me to know who they were.

1 But a formal process for feedback, we are just
2 starting to talk about that.

3 My colleague, who you confirmed recently, Paul
4 Chabot, he has actually started handing out envelopes,
5 self-addressed back to him, stamped, goes to the office. And he
6 asks the wards on parole, "Drop me a line," and I think he says
7 three months, "tell me how you're doing."

8 So, you know, we're starting to talk about
9 different ways of getting some feedback from these guys. And
10 they like it. They really do enjoy it. So, you know, maybe we
11 can look at how we could formalize that.

12 SENATOR PADILLA: Thank you.

13 SENATOR ASHBURN: Thank you.

14 At this time, we will ask witnesses who may want
15 to speak in support of the nominee, please come forward. Is
16 there anyone who would like to speak in support?

17 Is there anyone who would like to speak in
18 opposition?

19 You'll notice I went quickly to that, because I
20 didn't I want the first one to be an indicator.

21 [Laughter.]

22 MS. MELANSON: I would like to introduce my
23 family.

24 SENATOR ASHBURN: Absolutely.

25 MS. MELANSON: I forgot.

26 SENATOR ASHBURN: Go right ahead.

27 MS. MELANSON: My husband is here, Roger
28 Melanson, and his mother and father, Joseph and Lillian

1 Melanson.

2 SENATOR ASHBURN: Good. Nice to have you here.

3 MS. MELANSON: I thank them for being here.

4 SENATOR ASHBURN: Is there anything else you'd
5 like to say in closing?

6 MS. MELANSON: I would just like to say, I'm
7 enjoying this -- this work. I find it very rewarding to work
8 with the wards.

9 And I don't know, sometimes I feel like I can be
10 that mother figure that cared about them. And I do get that
11 sense from them that they -- they appreciate it.

12 So, I would just thank you for hearing me and for
13 considering my -- my confirmation today.

14 SENATOR ASHBURN: Thank you very much.

15 Is there a motion?

16 SENATOR DUTTON: So move.

17 SENATOR ASHBURN: On Senator Dutton's motion,
18 please call the roll.

19 SECRETARY WEBB: Dutton.

20 SENATOR DUTTON: Aye.

21 SECRETARY WEBB: Dutton Aye. Padilla.

22 SENATOR PADILLA: Aye.

23 SECRETARY WEBB: Padilla Aye. Ashburn.

24 SENATOR ASHBURN: Aye.

25 SECRETARY WEBB: Ashburn Aye. Three to zero.

26 SENATOR ASHBURN: Three affirmative votes, and
27 we'll leave the roll open.

28 Congratulations to you.

1 MS. MELANSON: Thank you very much.

2 [Thereafter, CHAIRMAN PERATA
3 and SENATOR CEDILLO voted Aye,
4 making the final vote 5-0 for
5 confirmation.]

6 SENATOR ASHBURN: Next we'll have Peter S.
7 Reinke, Member of the Teachers Board of Retirement.

8 Welcome, sir. Good to see you again. Please
9 come to the front table. This room is not the best for
10 acoustics.

11 MR. REINKE: Okay.

12 SENATOR ASHBURN: If you'd like to introduce
13 anyone here, or make an opening statement.

14 MR. REINKE: Yes.

15 Thank you, Senator Ashburn and Members of the
16 Rules Committee, for allowing me to appear before you today. It
17 truly is an honor.

18 My lovely wife Teresia, who has seen very little
19 of me these last two weeks since I have been traveling for
20 STRS, is also with me this afternoon.

21 Well, to borrow a phrase from Admiral Stockdale
22 from the 1990: "Who am I and why am I here?"

23 SENATOR ASHBURN: That may not be the best quote
24 to use.

25 [Laughter.]

26 SENATOR ASHBURN: It didn't work well for him.

27 [Laughter.]

28 MR. REINKE: That is too true; too true.

1 The Governor's Office approached me last summer
2 about putting my name forward for a seat on the STRS Board. I
3 have some background in public interest issues, having served as
4 Vice Chairman of Oakland's Public Ethics Commission, and Chair
5 of our city's Sunshine Ordinance Committee.

6 I have also spent a number of years on the State
7 Board of Common Cause, and through that organization have been
8 very engaged in local and state efforts to make our government
9 more transparent and responsive.

10 Lastly, some years ago I worked on the
11 legislative staff of U.S. Senator John Chafee, working on
12 education and ethics issues, an experience which really has
13 helped to inform my subsequent work on governance.

14 I trust that my perspective on ethics has been
15 helpful to STRS, as it has worked this past year to strengthen
16 its corporate governance mechanisms, particularly addressing
17 issues relating to campaign contributions from those engaged in
18 a business relationship with the fund.

19 I also believe my background as a classroom
20 teacher has been helpful to STRS. I don't know how many times
21 you'll find Chairwoman Dillon, past Chairwoman Widener, or
22 myself feverishly grading papers during a coffee break or
23 comparing notes on class discipline and curriculum.

24 It's important to have the teachers' perspective
25 on the funds board, and you will find that I have enormous
26 respect for this profession. Teachers are by nature idealists.
27 In our own small way, we hope to change the world through our
28 classrooms.

1 We certainly didn't go into the field for the
2 money. It's really a calling for us. Therefore, it is crucial
3 that we provide a secure retirement for our state's educators.

4 Having said that, we must also address STRS
5 unfunded liability. Certainly the outstanding rate of return
6 for this past year is very good news, yet all of the actuarial
7 numbers show us that we must act sooner rather than later to
8 resolve STRS's liabilities.

9 We have spent the past several months working
10 with constituent groups on this important issue, and I am
11 optimistic that all sides can come together with a responsible
12 solution.

13 In closing, I again thank you for allowing me to
14 appear before you today, and I look forward to answering any of
15 your questions.

16 SENATOR ASHBURN: Thank you very much.

17 Questions from the Senators? Senator Padilla.

18 SENATOR PADILLA: The first question would be, I
19 see on your resume that you were the head of Royce High School.

20 MR. REINKE: No, I'm a history teacher at
21 Head-Royce.

22 SENATOR PADILLA: Oh, Head-Royce is the name of
23 the school?

24 MR. REINKE: Yes.

25 SENATOR PADILLA: Before taking on this position,
26 what sort of orientation or training did you receive to take on
27 the type of decision-making that you make on this particular
28 board?

1 MR. REINKE: I've been very impressed with the
2 level of fiduciary training that we received on STRS. Ehnes
3 Knupp brought me through a very, very rigorous two-day seminar
4 on being a fiduciary for the fund. Ed Derman, who's back there
5 today, and Jack Ehnes also, a lot of really, really rigorous
6 training on what it means to be a steward for this fund. And
7 that training really has been ongoing.

8 We have wonderful outside counsel in Ian Lanoff,
9 who does a lot with fiduciary issues for us. And he's also
10 been just incredibly helpful to me in learning to approach
11 things in that -- in that respect.

12 SENATOR PADILLA: So you feel you get the
13 sufficient support --

14 MR. REINKE: Absolutely.

15 SENATOR PADILLA: -- to make the decisions.

16 Now, in recent years, there's been a number of
17 proposals, controversial many of them, on how to change
18 retirement funds, or other pension benefits in California, I
19 think primarily emanating from problems that San Diego
20 specifically had.

21 There have been legislative proposals,
22 administration proposals to want to revamp the entire system in
23 California as a result of that. Whether it's this particular
24 fund, or other city and county funds are doing just fine, they
25 all ebb and flow in terms of the level of being underfunded,
26 along with the economy and the stock market.

27 Is that still a topic of discussion at the board,
28 some of these proposed changes -- I won't even call them reforms

1 -- but changes to the system?

2 MR. REINKE: Well, the board definitely feels
3 that there is a need to address these unfunded liabilities.

4 Our approach has been to offer, this past
5 December -- well, really to hear this past December a staff
6 recommendation regarding revising the contribution rates. And
7 that proposal is now out there, and we are gathering feedback
8 from constituent groups regarding it.

9 SENATOR PADILLA: What is that current proposal?

10 MR. REINKE: Well, this would -- this would take
11 the current contribution rates, and it would -- if I can find --
12 it would slightly increase the contribution rates. So, for
13 example, you'd have school districts go up to a maximum limit of
14 13 percent; members would increase by a maximum of .5 percent;
15 and the state, 1.5 percent. And these would be temporary until
16 the -- until the liability was completely addressed.

17 Now, that proposal has not been voted on by the
18 board and approved. It's just-- it's just out there. We said,
19 yes, we approve the idea of putting it out there to have it --
20 have it responded to by the different constituent groups. So,
21 it's still being vetted.

22 SENATOR PADILLA: That's just a concern of mine.
23 I know it's caused some upheaval in recent years -- I won't even
24 say in years past. But in recent years, there's people
25 suggesting, "Oh, we're having some minor issues of funding
26 levels, and so let's toss the system on its head," which I think
27 is an extreme over reaction.

28 It's one thing to be mindful of it, but it's

1 another thing to want to turn the system completely upside down.
2 So, that's something I'm wary of, and I want to make sure that
3 that, from the staff level to you, has been sufficiently and
4 appropriately covered, described, explained, because now you're
5 helping to oversee it.

6 MR. REINKE: Thank you, Senator. And I
7 completely agree with you.

8 You know, I'm a third generation teacher myself,
9 and there's no question in my mind that you have to guarantee
10 teachers a very secure retirement. We don't go into the career
11 for the money. We don't make a lot of money as teachers, and I
12 think we have to provide a very sturdy retirement.

13 So, I would not support any proposal that would
14 be tampering with that.

15 SENATOR PADILLA: And may I ask whose Senate
16 district you live in?

17 MR. REINKE: I live in Senator Perata's district.

18 [Laughter.]

19 CHAIRMAN PERATA: I'm clumsy sometimes, so he
20 has to give me those softballs.

21 [Laughter.]

22 CHAIRMAN PERATA: I apologize. I found a much
23 larger audience to play rather than these smaller venues.

24 [Laughter.]

25 CHAIRMAN PERATA: I appreciate you being here.
26 The fact that you are from Oakland, and have been involved with
27 Allen Temple, these are all good things.

28 I know one other person in my district who went

1 to Brown University, and it's Doug Sovern who's on KCBS. You
2 now share that in common with him. He lives in the Oakland
3 Hills.

4 The point made is really the point that I want to
5 just emphasize: the condition of STRS; the ongoing concern over
6 the unfunded liability.

7 It is painful to talk to retired teachers,
8 particularly those that are in their 70s and 80s, who are living
9 as though they never dedicated a day of their lives to the
10 children of this state.

11 And while we like to make obvious statements like
12 "Children are our future," the fact of the matter is, we don't
13 treat a lot of people responsible for that future very well.

14 And I know you will do all that you can in that
15 regard. I'm well satisfied with your appointment.

16 I would ask if anybody here wants to speak in
17 support?

18 She's behind you, be careful.

19 [Laughter.]

20 MS. EASTERLING: Good afternoon. Lori Easterling
21 with the California Teachers Association.

22 We are in strong support of Mr. Reinke's
23 appointment to the STRS Board. We had some members of a
24 retirement committee and our board vote to support his
25 confirmation.

26 We do have similar concerns that this Committee
27 has on unfunded liability. We are working with the STRS Board
28 on those issues, and whatever happens from the STRS Board

1 ultimately has to come to you as a legislative body.

2 So, we're very comfortable with Mr. Reinke, and
3 he knows his fiduciary role and clearly has a lot of respect for
4 public school teachers.

5 Thank you.

6 CHAIRMAN PERATA: Thank you.

7 Anyone further? Any opposition?

8 Seeing none, we have a motion to approve. Call
9 the roll.

10 SECRETARY WEBB: Dutton.

11 SENATOR DUTTON: Aye.

12 SECRETARY WEBB: Dutton Aye. Padilla.

13 SENATOR PADILLA: Aye.

14 SECRETARY WEBB: Padilla Aye. Ashburn.

15 SENATOR ASHBURN: Aye.

16 SECRETARY WEBB: Ashburn Aye. Perata.

17 CHAIRMAN PERATA: Aye.

18 SECRETARY WEBB: Perata Aye. Four to zero.

19 CHAIRMAN PERATA: Congratulations.

20 MR. REINKE: Thank you very much.

21 [Thereafter, SENATOR CEDILLO
22 voted Aye, making the final
23 vote 5-0 for confirmation.]

24 CHAIRMAN PERATA: Senator Simitian.

25 [Thereupon the Committee
26 acted upon legislative
27 agenda items.]

28 CHAIRMAN PERATA: Now is the moment we're all

1 waiting for. Come on up, guys. Welcome back.

2 MR. TILTON: Thank you, Senator.

3 CHAIRMAN PERATA: For the record, if you'd just
4 give us your name.

5 MR. TILTON: James Tilton, Secretary, Department
6 of Corrections and Rehabilitation.

7 MR. PRUNTY: Kingston Prunty, Undersecretary of
8 Operations, California Department of Corrections and
9 Rehabilitation.

10 CHAIRMAN PERATA: Just for the record, Bud was
11 the one that said that he would rather come back and live or die
12 with his boss.

13 SENATOR ASHBURN: I'm not sure those were the
14 words.

15 [Laughter.]

16 CHAIRMAN PERATA: Am I paraphrasing.

17 [Laughter.]

18 CHAIRMAN PERATA: So, there's a whole lot riding
19 on what you say today.

20 MR. TILTON: I appreciate that, Senator.

21 CHAIRMAN PERATA: Because you're living for two.
22 I wanted to get into a couple of the things that
23 we didn't get a chance to talk about, and AB 900 would be at the
24 top.

25 I saw that the magistrate, or whatever Mr. Sillen
26 is?

27 MR. TILTON: Receiver.

28 CHAIRMAN PERATA: Yes, receiver. His Majesty, is

1 why I was confused.

2 [Laughter.]

3 CHAIRMAN PERATA: That he gave a speech yesterday
4 in Sacramento, and he said that this was a pitiful effort. It
5 seemed to be mainly because he wasn't engaged in helping, or
6 wasn't asked to help, which is very strange that we didn't
7 immediately go to his house and ask him.

8 But not withstanding that criticism, there was an
9 honest effort made to just not stand there, do something. And I
10 don't think any of us thought that this was going to be close to
11 perfection or even adequate, but it was the best attempt that we
12 could do at the time.

13 I expressed on the Floor lots of reservations,
14 but I did say that I thought that the ability of the leader of
15 the organization to implement some of this would be the pivotal
16 point.

17 I know well, having said that, that some of the
18 challenges here are significant. And I'm not asking you to
19 critique the bill, but I am asking, given with what you've got,
20 what is your first blush with this? What have you done so far?

21 MR. TILTON: Well, I'm very excited, Senator.
22 And it's very disconcerting to me to hear people talk about
23 AB 900 as not reform; that it's beds.

24 And as I said before in my introductory speeches,
25 I would not have done the infill if that didn't need beds
26 quickly. I am not a fan -- I was here when we built the
27 prisons. I don't need to build more big prisons.

28 I do need, however, to build facilities to

1 provide a better transition of inmates to communities. And AB
2 900 has the start, hopefully, of a long-term program to develop
3 a partnership with local law enforcement, local providers, to
4 provide a better transition from the prison system to
5 communities. And AB 900 provides those tools.

6 And as I testified from Day One a year ago, and
7 the Senate has been very up front that: You're asking for more
8 resources; we need to see results.

9 And AB 900 has all kinds of milestones, and I've
10 heard lots of people say there's no way you're going to get to
11 Phase Two.

12 I accept that challenge, because I think if I
13 can't demonstrate in a phased approach that we can deliver these
14 programs, not just beds, then I don't deserve to get to go to
15 Phase Two.

16 CHAIRMAN PERATA: How were you with Super Mario?
17 Were you pretty successful?

18 [Laughter.]

19 MR. TILTON: My sentence has been passed. I'll
20 be honest about the support that's come forward with experts
21 from around the country. I've been spending time traveling the
22 country asking, where are there models?

23 And people are coming forward. I have some that
24 I consider the best and brightest that have already done this.
25 Doctor Beard from Pennsylvania, who has 10 years ago started
26 this issue that we have in terms of re-entry programs, and has
27 success. And he has been very much supportive.

28 So, there's many people coming forward that are

1 excited about these reforms. There's all kinds of doubts. I
2 understand those doubts.

3 But also, since it's passed, I have a lot of
4 people have started to come work for me that have come from
5 other state agencies, without tests --

6 CHAIRMAN PERATA: That's good.

7 MR. TILTON: Without that support of strong
8 management, then I can't deliver this. So, I can't do it alone,
9 but I'm pleased with the talent that, in the last 90 days, has
10 said, "You know what? We're excited about that opportunity.
11 Let us come work with you."

12 CHAIRMAN PERATA: I want to make clear that we
13 are getting rid of bad beds. We are not stacking on top.

14 MR. TILTON: In fact, I read Mr. Sillen's comment
15 that there was no guarantee.

16 As far as I'm concerned, there's a commitment and
17 a guarantee that I -- every infill bed brings down a bad bed.
18 In fact, hopefully, I can get more re-entry and bring them back,
19 bring them down even sooner than that.

20 CHAIRMAN PERATA: That's because he wasn't asked.
21 That's why he doesn't know much about the bill.

22 The facilities, the local community facilities,
23 obviously that will depend upon the good graces and good wishes
24 of the locals.

25 Just very briefly, explain how that's going to
26 work? Take Alameda County as a hypothetical situation.

27 MR. TILTON: Let me just -- I'll describe my --
28 my sales pitch, and it is a sales pitch to communities.

1 What I'm saying is, I can't afford to pay for all
2 services for parolees. If you want to join -- and if you like
3 the current environment, that you have citizens coming out of my
4 system to your county with no skills and \$200 in their pocket,
5 then so be it.

6 But if you'd like to help me work with your
7 providers of community -- what services are available, what I'll
8 do, and you give me a site, I will come build, operate, and
9 provide a 100 percent program for all of those inmates coming
10 back to your community through that facility. You don't get the
11 \$200; you get a fully programmed inmate.

12 In exchange for that, I'll also provide more
13 resources as transition, and then you have to step up and assist
14 those citizens being successful. That's the -- that's the
15 bargain. It can't be 100 percent paid by the state.

16 But the counties are just excited about the fact
17 the state's coming to be part of the partnership.

18 CHAIRMAN PERATA: They love it when we show up.
19 You found that, too?

20 [Laughter.]

21 MR. TILTON: And the commitment I have is, I'll
22 bring some resources.

23 And your commitment to me is that if I prove
24 value, that those services impact recidivism rates, then we'll
25 continue to do that.

26 CHAIRMAN PERATA: How many counties have you been
27 able to contact, roughly?

28 MR. TILTON: Well, we have about 30 that are

1 interested already. We have more coming.

2 One of the struggles I have right now is a fear
3 that people will say I didn't have a competitive process. So,
4 this summer we're going to do regional meetings, where we bring
5 together a clear description of what we're talking about. We
6 also have counties who have demonstrated they can sell this
7 proposal in their community. They are coming to those workshops
8 also -- San Diego, Santa Barbara, San Francisco, lots of
9 folks -- and saying, "Here's how we sold this in our community,"
10 to assist them.

11 Once we do that, then we'll open up the process
12 for a competitive process.

13 I have people right now that want me to sign
14 contracts today. They're ready to go. They've done EIRs. They
15 want to go.

16 And I've said, "Well, let me back up a little
17 bit, because I want to make sure there's a fair opportunity
18 here," and we'll do that.

19 But I'm very excited. The fact that I had
20 Monterey County call me after AB 900 passed and says, "Are we
21 too late? Do we need to have a special board meeting to get in
22 your queue?"

23 I said, "You better hurry, because we're going
24 fast."

25 There are 60,000 people that qualify for these
26 beds, and I only have 16 authorizations. So, let's work
27 together and demonstrate that this is successful, good solid
28 public safety, and we can impact the recidivism rates of

1 California.

2 CHAIRMAN PERATA: One of the things that we heard
3 about, and we hear a lot about this, and it's no surprise that
4 even though most of our facilities, with the exception of maybe
5 Folsom and San Quentin, are in far flung areas of the state --
6 and I mean no disrespect to anybody representing those areas --
7 but even though they are far flung, the cost of living, and
8 particularly the cost of housing, is a disturbing problem.

9 There have been some suggestions about doing
10 on-site housing. Is that a real thing?

11 MR. TILTON: It is a real thing. In fact, our
12 Prison Industry Board basically developed a proposal that we are
13 taking to Soledad. And we're trying to -- it's a firm proposal
14 now, and now we're trying to figure out whether there's enough
15 demand there.

16 But yes, it is a concern. We have -- that
17 proposal was -- and we'll see whether the staff will -- will use
18 it. We're going to do some surveys.

19 It's a proposal to build apartments and then what
20 we call BOQs. In other words, if you're working multiple, you
21 can stay there like a hotel, basically, and have some
22 establishment.

23 So, we're looking at all kinds of opportunities
24 like that. We are also looking at housing stipends as part of
25 the current negotiations with DPA. They have a number of those
26 on the table that -- you know, it has to be negotiated, but
27 there's a number of things we're trying to do to assist those
28 areas like Soledad, like Susanville, that are having difficulty

1 recruiting staff.

2 So, we're very much concerned about that. You've
3 heard about the vacancies. I'm doing very well in certain
4 areas; in those far flung areas, I'm having a very difficult
5 time.

6 CHAIRMAN PERATA: Is there anything new to report
7 on the labor relations front?

8 MR. TILTON: All I can report, we're in -- it's
9 an interesting process, now that we've moved into mediation.

10 I'm not an expert, but I need to tell you that
11 I'm very much engaged. I need a contract. I believe my
12 employees deserve a fair wage. And it's important to me to get
13 that.

14 I hope we're close. I keep having dialogue,
15 thinking we're close. But we have a significant offer on the
16 table, and I'm very much working with DPA to, in fact, get a
17 contract.

18 I do not need a situation where my employees feel
19 like they're not fairly compensated. It's a tough job.

20 I have over almost 4,000 people I have to go
21 hire. I need to tell them this is a good place to come to work,
22 and we're going to pay you appropriately.

23 So, I'm -- I'm hopeful that we can get something
24 moving. It is a priority for me.

25 CHAIRMAN PERATA: Mr. Prunty, let me ask you
26 this. What's the status of our academies right now? And how
27 many vacancies do we have?

28 You said 4,000. That's the gross number?

1 MR. PRUNTY: That's a good proximate number, yes,
2 sir.

3 And our academies, currently we have two
4 400-person academies going -- being conducted at Galt at 8-week
5 intervals. We have two additional academies at -- we call it
6 the Annex; it's NCWF -- that are running 200 on 8-week intervals
7 as well. All those are filled, first time in anyone's memory.

8 So, even though we have an awful lot of catching
9 up to do, we have -- we've turned the corner. It's going to be
10 a couple of years, I think, before we can really be fully
11 staffed, but we are -- we are now to the point where we're
12 trying to expand our academy capacities because we have
13 sufficient people coming through the pipeline. Now we're just
14 looking for places to train them, and there's a lot of effort
15 into expanding opportunities to do that.

16 CHAIRMAN PERATA: Those who are entering an
17 academy have already been screened and all that?

18 MR. PRUNTY: Yes, sir. They're -- that's the
19 last -- the last step in the selection process.

20 CHAIRMAN PERATA: And since I was talking about
21 health care previously, have you got any exit strategy for that?

22 Not that we haven't enjoyed our experiences with
23 receivership, but --

24 [Laughter.]

25 MR. TILTON: Well, Senator, we are very much
26 concerned about the health care of inmates in the system.

27 I am working with the receiver's office. One
28 of the key issues is facilities. And I've -- we've had very

1 recent dialogue in the last couple of weeks in which it's been
2 more positive, I think, that we can assist the receiver in terms
3 of how to move forward on -- on those facilities.

4 Part of the issue, this receiver has paid a lot
5 of money; is offering a lot of money for salaries. But I think
6 one of the most significant issues for any staff, let alone the
7 health care individual, is to have appropriate clinical space as
8 well as office space.

9 And I'm convinced that if we don't do that also,
10 we could throw out a lot of money out there in terms of trying
11 to get people to come work there, but we don't have a good
12 working environment. So, the first issue for me is to work with
13 the receiver and start identifying a proper physical plant for
14 that, and we're working with him.

15 The other issue is that we can't recruit medical
16 staff equally around the State of California.

17 CHAIRMAN PERATA: Yes.

18 MR. TILTON: And so, we have to identify those I
19 would say six or seven core places where we have to focus our
20 attention on facilities, and we find a way to move the inmates
21 with significant care to those facilities. Those are areas
22 where we are convinced if we have proper pay and a proper
23 working condition, we can get good people to come. And we're
24 starting to see that.

25 The other issue is that it's a little
26 frustrating, I guess, trying to work with the receiver's office
27 in terms of inputting these issues, but I'm committed to do it,
28 and I have to stay engaged. There's no way that I can sit back

1 and say, "Well, gee, medical care is now the receiver's
2 responsibility," because it's not. My view is, his
3 responsibility is to help on the medical side.

4 My job is to make sure I have proper oversight,
5 security. I consider my responsibility -- if an inmates does
6 not get to that medical appointment, it's my -- it's my fault,
7 not the receiver's fault, not the doctor's fault.

8 So, it doesn't do any good to have the doctor
9 sitting over here if I have situations in the prison that people
10 aren't getting that care. And so, that's the part that I had to
11 take responsibility for and work with the receiver.

12 So, I can't walk away just because on paper the
13 receiver's responsible for medical care and divorce myself from
14 it, because these are inmates under my care. And the medical
15 care is just part of their program responsibilities.

16 So, I just commit to you that I'm committed to
17 work with the receiver. Clearly, we have a deficient system.
18 We have an antiquated -- it's not automated. The idea of not
19 having automated medical records -- I wish I had a lot more
20 automation on the other side, but the first priority has to be a
21 situation where a doctor can pull up and find out: What is the
22 diagnosis; how do we get services; did the services get
23 completed or not. And those are deficiencies that I'll work
24 with the receiver to implement.

25 CHAIRMAN PERATA: Particularly if you're moving
26 people around the state.

27 MR. TILTON: Uh-huh.

28 CHAIRMAN PERATA: We are in a difficult position,

1 which you've identified. The receiver is not encumbered by
2 cost. So, if he needs to go out and pay something to get
3 somebody, he gets it.

4 You're not in that position because that will
5 become a budget deficiency.

6 So, it's almost like pulling on a knot. I mean,
7 you've got a serious challenge there.

8 I am pleased to hear that you do have a strategy
9 for that, because the easiest thing to do would be to say, "I'm
10 going to just concentrate on things I can control," and just
11 leave that where it is.

12 And I think it's going to be important for the
13 federal court to see that we are making strides towards that
14 end.

15 That also might help mitigate some of the
16 tendencies of autonomy, or is it autocracy? Anyway, you know
17 what I mean.

18 [Laughter.]

19 CHAIRMAN PERATA: He should not have come up here
20 yesterday.

21 One of the things, and this will be my final
22 point, parole. You touched on it on the re-entry side.

23 But in Oakland, there's been a particular -- and
24 talk about a Gordian knot -- but you've got guys that are sent
25 to prison out of Oakland. They come back to Oakland. They get
26 violated out of Oakland.

27 And what happens is -- and we've talked about
28 this with Tom Hoffman extensively, and he's certainly aware of

1 it -- that the political response to high crime rates is to
2 crack down on -- I mean, most of them are being committed by the
3 recidivists -- is to crack down on them.

4 And then you get somebody that goes to a
5 detention or holding for 80 days, and this becomes just a
6 mindless circle.

7 But the key to all that seems to be program. You
8 know, not everybody certainly, but there are people we've been
9 graduating. My staff went over to San Quentin last week for a
10 graduating ceremony of people who were learning life skills,
11 that they could earn a lot more money than they could earn in
12 the Legislature just because they have some dexterity with their
13 hands.

14 So, comment on the program side of it, if you
15 would?

16 MR. TILTON: Well, I'd be glad to, because when I
17 walked in, I started making comments that there's no programs in
18 the Department of Corrections and Rehabilitation because the
19 numbers didn't look like it.

20 But I've been traveling around the state. I've
21 been to over half the prisons. There are some good programs in
22 the Corrections. Not enough.

23 And the distinction we have here, it's the major
24 change in this department is, we have to do assessments and do
25 programs tailored to the individual needs. And we haven't been
26 doing that. We haven't -- it's been kind of catch-all.

27 And I do have situations where I believe the
28 tendencies of the violence, and some of those kinds of things,

1 take precedent over making -- finding ways to keep people
2 program. That's one of the things we're looking at.

3 We believe, with Mr. Prunty's lead, he's working
4 out: How do we find that population that can program? Because
5 we know we can't do it all overnight, so let's focus on the ones
6 that are willing to do that and provide incentives and
7 disincentives for that group to, in fact, program in the
8 prisons.

9 I do agree with you, and I quote Sheriff
10 Kolender. He tells me, "When you violate a parolee, put him
11 back on a bunk for five months and bring him back, you've
12 provided negative value at a lot of cost."

13 CHAIRMAN PERATA: Yes.

14 MR. TILTON: I described that as a negative value
15 because you take that person away. I would much rather put that
16 person into a program, or even into the re-entry bed, to keep
17 the local contacts, and not have to rebuild from scratch.

18 So, that's one of the themes, I think, we have
19 here is, there are people coming back on parole violation that I
20 think should come back for a lot longer than the four or five
21 months. But if a person's just coming back and going to sit on
22 a bunk, there's not value. We need to find a different way.

23 Now, I need to hold that person accountable for
24 whatever behavior it is. But we need to ask the question: Is
25 sitting on a bunk the best way, or could we put them in a secure
26 program bed? I think that's the solution.

27 That's the population that's coming in and out.
28 That's what we ought to focus on. They're going to be back in

1 the communities. We ought to find ways to triage that
2 population and keep adding a capacity to be successful, and
3 focus there.

4 I have lots of inmates who'll get out in 10
5 years. I'd like to work on programs for them also.

6 But the bottom line is, those short 60-day or
7 3-month people is what I should focus on right now, because they
8 are coming back.

9 CHAIRMAN PERATA: My last point related to that
10 is literacy, or probably better put: illiteracy. It's striking
11 that the level of literacy or the reading level is so low.

12 Yet, it's reminded me that during my teaching
13 years, I could always tell the nonreaders by the ones that acted
14 out. They were always worried it was going to be found out that
15 they couldn't read a stop sign.

16 So, how are we doing in that quest?

17 MR. TILTON: Well, I was -- I've been frustrated
18 for a year since I've been there. As you know, under the
19 Farrell lawsuit, we successfully modified the pay for teachers
20 in the juvenile justice system to be comparable to the local
21 board of education.

22 On Jan. 10, we submitted a proposal to -- to
23 change that, but I didn't get enough -- I got the funding to
24 change for incumbents, but I appreciate that the current version
25 of the budget provides me some resources to, I think, over a
26 two-year period, to in fact change the pay, change the working
27 schedule more comparative to a regular teacher, and I'm hopeful
28 that will let me go recruit over 100 teachers. I've got like

1 300 vacancies -- 235 vacancies, I guess.

2 So, it's very important. The interesting thing
3 I'm finding is when -- I just went to a graduation class. We
4 have -- I talk about the carpenters' program at Folsom. And the
5 inmates talk, "Well, gee, I've got to get my GED 'cause that's
6 going to mean I'm going to get paid."

7 So, they're starting -- you start to see that.

8 We can't do it all for everybody. We need to
9 focus on those individuals who are coming out, get their GED as
10 their credential, not just sitting in a hot seat.

11 We used to go, all that mattered when I was here
12 before was, sitting in a classroom, you got your day-for-day and
13 that's all that mattered.

14 CHAIRMAN PERATA: Yes.

15 MR. TILTON: Whether you got an education,
16 whether you just behave yourself.

17 We need to change that. Now we're talking about
18 tracking GEDs. We had the biggest graduation down at Blythe
19 this year: over 100 inmates --

20 CHAIRMAN PERATA: That was impressive.

21 MS. TILTON: -- who got AA degrees.

22 Now, I wish I could find a way to find capacity
23 in the community colleges like we had in Blythe, but that's a
24 great program. I've got the community colleges are --

25 CHAIRMAN PERATA: Is there an impediment to that?

26 MR. TILTON: Yeah. I thought I could move it
27 around in state. Blythe seems to be the only place that has
28 capacity in their ADA -- if I described this right; I may be

1 wrong -- but basically they had capacity in their ADA. They
2 assisted in some funds to provide that. Now, we provided funds
3 also.

4 And we had a very dedicated inmate. We have an
5 inmate in that program who's a -- in for a violent crime, a
6 colonel, who has taken ownership of that program to do something
7 good while he's in prison.

8 And we can't -- but besides that, my issue is we
9 can't take that same program, because the community colleges
10 really came to our aid with resources on account of the ADA and
11 help.

12 But I've been working with the Chancellor's
13 Office. They're on my Advisory Committee for Program. And they
14 are -- have a distance learning capacity that I wasn't aware of.
15 So, I think we really have some prime opportunity now to bring
16 them in to do some Adult Ed.

17 That doesn't mean -- we'll still do GED, but the
18 fact that the community college has stepped up and says, "We
19 know how to do this. We can assist you where -- in every place
20 you have a prison." And I'm excited about the opportunity of
21 the rest of the state coming to help me.

22 CHAIRMAN PERATA: Good.

23 Alex?

24 SENATOR PADILLA: I have a couple questions going
25 back to couple of issues that have been raised previously.

26 First, the Pro Tem asked about the current
27 contract negotiations, and how those were coming along. And
28 we've also talked about some of the federal issues that we have

1 to be mindful of.

2 One of federal issues I know is the rate of new
3 hires as it pertains to sort of the growing demand for
4 correctional officers as the population has grown and other sort
5 of how-we-treat-them rules have applied.

6 So, can you shed some light on how we're doing
7 with the hiring process, recruitment and retention numbers?

8 MR. TILTON: We are doing okay. And by that I
9 mean, when I got here and found out that we had shut down the
10 whole pipeline, and I had to start over again, having been here
11 before in the '80s, when we made the mistake of doing that also,
12 it's not an easy thing to bring back.

13 But we have -- we have found -- we've got the
14 pipeline going. I'll link the two things.

15 There is a proposal in the contract to provide
16 incentives for recruitment, which I think will really help. But
17 now the issue for us is, now that we've got the pipeline going,
18 it's the capacity of academies issues.

19 So, we're working at finding the -- AB 900
20 authorized me to build a Southern California academy. But
21 before I do that, I'm going to go find a temporary one. We're
22 going to find a way to do expanded academies in Southern
23 California. We're going to start talking with the community
24 colleges: Can we do some satellite? We did one up in
25 Susanville for local hires. Soledad is out recruiting, I
26 understand. They had like 200-300 people show up. So, we're --
27 we're trying to do some focus on those prisons.

28 But it's still a challenge, but I feel

1 comfortable now. At least I've got the current capacity full,
2 and now it's a matter of going beyond that. I can't just sit
3 back and say, "Well, gee, my current academies is enough,"
4 because of the impact.

5 Now, it's really focusing on a few prisons. I
6 did have a -- there was a freeze on in terms of transfers when I
7 got here. I kept it. I just lost the ability to do that
8 through an arbitration, and it's going to impact four or five
9 institutions very severely.

10 So, that's my concern, is how do I focus on -- if
11 I have 200 vacancies in an institution, and 200 people wanting
12 to transfer, I'll have a hard time running a prison with 400
13 vacancies.

14 So, those are challenges for me, but I'm
15 optimistic now that I at least have built the mechanism, and we
16 have people wanting to come work in the department. It's my job
17 to convince them that I'm going to have an environment that's a
18 good place to work, safe place to work, and be part of the
19 reforms. It's a -- it'll be a good job.

20 I am -- the reason I'm here is because of my
21 confidence in the employees of the department.

22 SENATOR PADILLA: Let's talk about both, the
23 capacity and then the intent, as you referenced a minute ago.

24 As far as capacity goes, you have two academies
25 currently. What's the size of the class, if you will, maximum
26 size of the class?

27 MR. TILTON: Well, we're doing what Bud just
28 quoted for me.

1 MR. PRUNTY: There are two of them at the Galt
2 Training Center. The capacity of each one is 400, so there are
3 800 cadets there now. They're each -- the two academies are
4 staggered by eight weeks.

5 At the Annex, there are two classes staggered by
6 eight weeks that are 200 apiece.

7 SENATOR PADILLA: So, you can have sort of 600 --

8 MR. TILTON: Eight hundred --

9 SENATOR PADILLA: -- staggered at a time?

10 MR. TILTON: -- and it's about 600 every eight
11 weeks.

12 SENATOR PADILLA: And the academy period or
13 training period itself is --

14 MR. PRUNTY: Sixteen weeks.

15 SENATOR PADILLA: -- sixteen weeks.

16 MR. PRUNTY: Yes, sir.

17 SENATOR PADILLA: Have you received concerns,
18 questions, complaints about what somebody going through the
19 academy?

20 I assume they're paid during this time or --

21 MR. TILTON: They're paid --

22 SENATOR PADILLA: -- or is it voluntary?

23 MR. TILTON: No, that's not voluntary. They're
24 paid.

25 But the struggle you have is, you imagine someone
26 who has to leave their family for 16 weeks and live in Southern
27 California.

28 Now, I'm working with the community colleges. My

1 son just went through an academy on an extended [sic] through
2 the community college in Sacramento. And he kept working; went
3 at night and went on weekends, the exact same program taught by
4 the Sheriff's Department.

5 And so, we have to look at those kind of
6 opportunities to expand that.

7 SENATOR PADILLA: Is the academy full time? When
8 you're in the academy, full time?

9 MR. TILTON: Yes.

10 SENATOR PADILLA: So, it's pretty darn tough to
11 keep another job.

12 MR. TILTON: You can't. In our situation, you
13 can't.

14 SENATOR PADILLA: So, when you're in the academy,
15 what's the pay level?

16 MR. TILTON: I don't have it in front of me. It
17 is -- it is a basic entry-level pay.

18 The biggest issue is -- and they get significant
19 pay when they get an increase when they get out.

20 I don't have those numbers for it, but I'd be
21 glad to get them to you.

22 But -- but the issue right now is, I think we
23 could do a better job if we provide two things: an academy
24 closer, you know, so that on the weekends they could get back
25 and see their families. When you're in Sacramento and have to
26 go down to L.A. it's a challenge, and I think that impacts our
27 recruitment.

28 The other issue is, in the early '80s, I was part

1 of C-POST. And we had a community college program approved for
2 an extended academy taught through the community colleges.

3 We -- we accredited -- the community colleges
4 accredited the teachers; so did we. We signed off on the
5 curriculum; so did the community colleges. And that would have
6 provided an AA Degree in Correctional Science, including our
7 academy, on an extended basis, where you could work, go to
8 school.

9 And I think we need -- I'm going to go back and
10 push on those issues. I think there're models out there that
11 we've walked away from that we can put back in place which will
12 allow people to come to us better educated, with the training
13 that's -- that's appropriate.

14 SENATOR PADILLA: Do you cover health for people
15 going through the academies?

16 MR. TILTON: I don't know when it is they get
17 their benefits.

18 MR. PRUNTY: I'm sorry, I didn't understand the
19 question?

20 SENATOR PADILLA: Do you cover health for men and
21 women going through the academy?

22 MR. PRUNTY: Yeah, they get benefits when they go
23 to the academies.

24 Are you asking if they have health insurance?

25 SENATOR PADILLA: Yes.

26 MR. PRUNTY: Yes, it's part of the employment
27 package, yes.

28 MR. TILTON: So, that's a change. That's an

1 improvement since I was here before. You used to have to wait
2 six months or something.

3 SENATOR PADILLA: Okay. That's a significant
4 question because if we're having a tough time recruiting people,
5 and we're saying there's a 16-week program, what's the
6 completion rate, by the way, out of the 400 or the 200,
7 depending on which academy they're going through?

8 Do we get 100 percent graduation rate; 50 percent
9 graduation rate? What's typical?

10 MR. PRUNTY: Well, let me -- let me give you just
11 a number.

12 We -- we filled our first -- our 400-bed
13 academies several weeks ago, and they graduated 388. So, it's a
14 very high percentage of completion; although it's not easy --

15 SENATOR PADILLA: Is that typical?

16 MR. PRUNTY: Yes, it is.

17 MR. TILTON: The issue -- we've got the -- we're
18 filling our academies. So, I think we're getting people now who
19 want to come to work with us.

20 Now we have a situation where, where they want to
21 go is a barrier.

22 I mean, I can -- let me tell you, I've got people
23 that want to work in the Sacramento area. I've got all kinds of
24 folks that I want that want to work here. I've got more than I
25 need. I'm trying to convince them to go work in Soledad.

26 So, we're starting to get the priming of the
27 pump, and hopefully, as we demonstrate, it's kind of a Catch 22.
28 You get more people filled; you get that overtime down; it's a

1 better working condition. And so, there's a challenge.

2 So, I think the problems I have are particular
3 locations, not -- not the ability to go recruit people now. So,
4 I have to find ways to -- how do I get people to go to some of
5 those remote locations.

6 SENATOR PADILLA: And can you explain to the
7 Committee the difference between what it means to go through the
8 academy versus what it means to participate in the
9 apprenticeship program?

10 MR. TILTON: Well, the apprenticeship program is
11 a -- is basically you go through the academy, and then there's a
12 structured work experience that's provided on the job.

13 And we have an issue now because of C-POST and
14 apprenticeship program in terms of having it up and running.
15 Again, my history is, I'm very much aware of that because I
16 was -- I was Chair of C-POST when we put the apprenticeship
17 program back in.

18 It's a very valuable asset to have structured
19 working experience, where you get to work in various posts, not
20 just go sit in one post. For the first two years of your
21 assignments under the apprenticeship program, you get to rotate
22 various assignments. That's the -- that's the theory.

23 SENATOR PADILLA: But we do have the
24 apprenticeship program up and running? It sounds like it, based
25 on your answer.

26 MR. TILTON: Well, I described what the
27 apprenticeship program is.

28 When I walked in, they -- the department had

1 eliminated C-POST. There's an issue -- a conflict with the
2 union over the issue of apprenticeship program and C-POST.

3 I have some proposals that solve it as part of
4 our discussion.

5 So, I'm an advocate for involvement with the
6 union on training. I'm also an advocate for the apprenticeship
7 program. And they're not where they need to be today.

8 SENATOR PADILLA: Do we have an apprenticeship
9 program up and running.

10 MR. TILTON: Not -- not -- not to the extent it
11 should be, no.

12 SENATOR PADILLA: To the extent that it should
13 be. We have one up and running?

14 MR. TILTON: The problem is, without that
15 oversight of an apprenticeship committee and stuff, it's -- I'm
16 not going to say it's been de-authorized, but we have people
17 that aren't fully going through the apprenticeship program so
18 that I would describe to you.

19 SENATOR PADILLA: So, we have some sort of an
20 apprenticeship program?

21 MR. TILTON: Yeah, right. It's -- it was a
22 problem identified to me when I got here. I have a solution.
23 The solution requires negotiations with my union.

24 SENATOR PADILLA: Okay, that's clearer to me.

25 Let's have even the conversation in concept. You
26 mentioned earlier today it's a two-year program, the
27 apprenticeship program?

28 MR. TILTON: That's correct.

1 SENATOR PADILLA: And is there any -- so, what's
2 the difference?

3 You go through the apprenticeship program, and
4 you get a series of assignments in different functions and
5 locations, as opposed to somebody else who just came out of the
6 academy and their typical first two years?

7 MR. TILTON: Well, the apprenticeship program as
8 -- as in place when I was here before, and what I want back is
9 that you -- everyone goes through it.

10 The issue is, we have a post and bid situation
11 where people get to bid post. So, what you do under this
12 process is, you identify posts that are exempt from that, and
13 you let the new people go work in those posts in order to get a
14 variety of experiences.

15 And so without that, the apprenticeship program
16 lets you waive -- waive some of that, so that you may have a
17 very nice position everybody wants. Well, if a person never
18 gets to work in that, it doesn't help them in their training.

19 So, it's a process of documented work experiences
20 in the variety of job skills that are necessary to be a complete
21 peace officer.

22 SENATOR PADILLA: Is it more of a well-rounded
23 first two years as opposed to --

24 MR. TILTON: Right. Don't just go stick them in
25 a tower for two years. You get to go work all the various
26 areas.

27 And that's the concept documented, that the
28 person -- there's a lot of work on the individual plus

1 supervisors to make sure that you actually went through the
2 various work assignments.

3 SENATOR PADILLA: For someone going through the
4 apprenticeship program -- again, since we're having a
5 theoretical conversation here -- is workload, number of work
6 hours at any pay level the same as --

7 MR. TILTON: Yes. And as --

8 SENATOR PADILLA: -- a person who --

9 MR. TILTON: -- as you complete various steps,
10 then you get your salary increases.

11 SENATOR PADILLA: Above? Significantly above, or
12 comparable to --

13 MR. TILTON: No, it's --

14 SENATOR PADILLA: -- somebody else's --

15 MR. TILTON: -- the apprenticeship program,
16 basically it says, okay, you come out of the academy, and now we
17 want a structured apprenticeship program where you get to work
18 through this process. As you complete those tasks at various
19 times, as well as time --

20 CHAIRMAN PERATA: I'm going to have to cut you
21 off and give the stenographer a little break here, or she's
22 going to sue me.

23 We'll take a brief break.

24 [Thereupon the Committee
25 took a brief recess.]

26 CHAIRMAN PERATA: We will reconvene the Rules
27 hearing.

28 Resume, Mr. Padilla.

1 SENATOR PADILLA: We left off on a conservation
2 talking about your apprenticeship program. I had previously
3 asked about health benefits.

4 So, I'll be following up with you either via
5 phone or maybe another --

6 MR. TILTON: Appreciate it, Senator.

7 SENATOR PADILLA: -- letter to look into that
8 further.

9 But a quick question before going on to a
10 different topic, on the issue of academy classes, graduation
11 rates, et cetera, do you have the numbers for juvenile academy
12 classes?

13 MR. PRUNTY: I can tell you that, yeah. We've
14 recently increased the capacity from 40 to 80, and we're filling
15 those as well.

16 SENATOR PADILLA: As far as vacancies go on the
17 juvenile side, is that as much of a problem, or not as much of a
18 problem as adult?

19 MR. PRUNTY: Percentage-wise, it's probably as
20 much of a problem. Although, we've -- the last statistics, I
21 said, we've completely filled those that were Farrell-designated
22 positions. And we're 61-plus percent of all the positions in
23 DJJ for peace officers.

24 So, there is a vacancy rate there that we still
25 need to deal with.

26 MR. TILTON: What we have on the Farrell on the
27 DJJ side is, we had a vacancy in the base. We've fixed that.
28 Now we have significant new positions coming on, so we're not --

1 we're not where we need to be on the DJJ side, I'll be very
2 candid, because the Legislature -- not peace officers -- the
3 Legislature gave us this last year over 800 positions.

4 And so, I don't want to lead you to believe that
5 we are near where we need to be in terms of filling that.

6 The whole issue -- the issue coming forward
7 though now is the policy call in the budget to change the
8 population in some ways will help, because as the population
9 goes down, we'll free up positions to address that population.

10 SENATOR PADILLA: And maybe this is a good
11 transition to the other question, or series of questions, that I
12 have when it comes to staffing.

13 We're under constant staffing requirements;
14 correct?

15 MR. TILTON: Yes. In other words, when I -- when
16 I don't have a position, I use overtime.

17 SENATOR PADILLA: Okay. And that's where I want
18 to go.

19 On any given day, how many correctional officers
20 work overtime?

21 MR. TILTON: I don't have that number. It
22 depends on what prisons. Many -- we have many institutions, in
23 fact I have a couple institutions that we've had to acknowledge
24 to reduce programs because of the ability to run those prisons.

25 Not where I want to be. It's the opposite
26 direction I want to be, but it's all over the map.

27 Again, as I've said, we're doing very well in
28 many areas to fill positions and reduce the overtime, but I have

1 some very, very extreme conditions going on in some of these
2 remote facilities.

3 SENATOR PADILLA: And I can imagine, you know,
4 some things just can't be anticipated. If there's, you know,
5 violence in the yard, and you need to --

6 MR. TILTON: I'm talking about just the
7 day-to-day operations.

8 SENATOR PADILLA: And that's the contrast. There
9 are some things that are expected, some things that are
10 unexpected.

11 Those that are expected can be due to the number
12 of vacancies that we have, constant staffing requirements. And
13 therefore, on a daily basis we actually planned for overtime.
14 We need to hold personnel over.

15 MR. TILTON: That's correct.

16 SENATOR PADILLA: Can you give me some sense, a
17 ballpark figure, for what that number is?

18 MR. TILTON: I hate to throw a number out at you
19 because I -- I -- averages don't work, and I hate to throw it
20 out there.

21 I have some -- all I can tell you is, we've been
22 very successful in certain locations. In fact, we've been -- to
23 fill the academies, for example, Sacramento, we have people who
24 want to work in Sacramento. We says, "Nope, we have no more.
25 We're not going to hire any more people in Sacramento."

26 SENATOR PADILLA: Can you at least tell me in
27 order of magnitude? Is it in the dozens statewide? Is it in
28 the hundreds statewide? Is it in the thousands?

1 MR. TILTON: No, I'll give you an example at
2 Soledad.

3 We have over 200 vacancies. So, I'm filling 200
4 positions on overtime. On top of that, I have 200 people at
5 that facility who want to transfer out. That is probably the
6 most severe, that and probably a situation where I have just
7 that.

8 I have as of now -- I was down at Blythe
9 recently, and we're running about 8 percent vacants.

10 SENATOR PADILLA: So, you can't even give me a
11 ballpark figure?

12 MR. TILTON: Well, I'm a numbers guy, and I don't
13 have something in front of me that I have a basis to say, "I've
14 looked at a recent number, and can give it to you." That's why
15 I'm hesitating.

16 Maybe Mr. Prunty has one, but --

17 MR. PRUNTY: When you ask tens or hundreds, it's
18 in the hundreds of people that we pay via vacancies throughout
19 the state. And we're paying overtime on a daily basis in the
20 hundreds.

21 SENATOR PADILLA: And what's the price tag
22 associated with that figure?

23 MR. TILTON: The price tag in my view is, it's
24 not a price tag of dollars. It's a price tag on impact on the
25 individuals, and the fact that we have people working double
26 shifts too often.

27 So, my issue from a fiscal point, there's a small
28 difference between overtime, but when you start dealing with

1 benefits, it's not a price -- I don't consider it a dollar price
2 tag issue. I consider it an impact on the individual.

3 How successful you can be to do your job if
4 you're working, you know, 70 hours or 60 hours a week, working
5 doubles, commuting back and forth. That's my concern.

6 SENATOR PADILLA: Right, there's a fatigue
7 factor --

8 MR. TILTON: Exactly.

9 SENATOR PADILLA: -- mental and physical.

10 Do we have established procedures?

11 I mean, I imagine for an officer who's
12 unexpectedly held over or asked to stay, and they're not exactly
13 -- they don't live exactly very close to the facility in which
14 they work, if there's child care issues, are they allowed,
15 encouraged to, required to communicate to their family?

16 MR. PRUNTY: If they're held over unexpectedly,
17 yes. We expect that they would notify their family and try to
18 make some arrangements.

19 Unfortunately, those situations do occur, but we
20 try to be as -- to assist the staff member as much as possible
21 to make sure their family is notified and there's some
22 arrangements made.

23 SENATOR PADILLA: So, they're allowed a phone
24 call?

25 MR. PRUNTY: Yes, sir.

26 MR. TILTON: Senator, the issue for me is, you
27 know, we have two types of overtime. One is offered, and people
28 volunteer to work. And we have some individuals that I think

1 take advantage of that and work too much, just because of the --
2 of the dollar incentives.

3 And the sign to me is when we have forced
4 overtime, and we have too much of that going on. That's --
5 that's why expanding our capacity at the academies is so
6 critical to me, is we've got to get our situation sent back
7 where there's more tolerable overtime.

8 We're making good progress, but not where I'm
9 comfortable. It's just -- it's a very significant problem,
10 again, especially those four, or five, six institutions that
11 have -- but I wish I could just -- in fact, I'm thinking right
12 now all ready of finding ways to do that.

13 If I have to go allow transfers, then how do I do
14 backfill? And I may be putting people on per diem, or whatever,
15 to backfill behind those institutions. I cannot continue on a
16 long-term basis the amount of overtime being worked in those
17 facilities.

18 SENATOR PADILLA: I don't want to ask the
19 question on a sort of a permanent basis but at least on a
20 temporary basis, only because I'm hopeful and optimistic that
21 we'll address the recruitment, retention, and therefore the
22 vacancy and staffing issues.

23 But for the time being, again, recognizing that
24 there's a lot of correctional officers who do not necessarily
25 live in close proximity to the facilities in which they work, if
26 we're holding folks over on a regular basis for another half of
27 a shift, or even a second shift, and they're expected to report
28 to work the next morning again, the next afternoon again, at

1 their regular hour, to help address the fatigue factor is there
2 any activity or discussion for providing housing for those
3 officers?

4 MR. TILTON: I have one proposal. In fact, I
5 asked -- PIA had been -- PIA, who's doing a lot of the modular
6 -- building modulares for me, actually gave me a proposal that I
7 have tried to share with Soledad. So far, I haven't got people
8 buying off on it.

9 But I have a proposal where we have an outside
10 firm, through our PIA, would come build apartments and BOQ.

11 And so, yes, it's on the table. I've shared it
12 with a couple local representatives who say, this is something
13 we can consider elsewhere.

14 But right now, what I -- the first initial
15 feedback I got was that they didn't think staff would use it at
16 Soledad, but I was not giving up on it.

17 So, I do have a proposal. It's a design of --
18 of, again, apartments and housing. I have land by many prisons,
19 so I'm -- I've got a proposal. I have to see whether or not
20 there's interest in the staff to actually use it.

21 The other issue that you raise that I had not
22 looked into, and I will, is what do we do to provide assistance
23 to an individual who has to stay, and because they've worked a
24 number of doubles, doesn't feel safe driving home?

25 That's a valid issue that I haven't -- I haven't
26 addressed. I will. I think that's a good concern: Do we allow
27 someone to get a hotel room in that situation?

28 So, my initial reaction, I'd say I'd be very

1 supportive of that, but I need to go find out what our practice
2 is.

3 SENATOR PADILLA: Thank you.

4 Thank you, Mr. Chair.

5 CHAIRMAN PERATA: I had one other, just a
6 question about visiting.

7 There have been criticisms over the years, and I
8 think you mentioned it, that a good, sound visiting program is a
9 good way to cut into the recidivism rate.

10 But there seems to be an uneven practice of where
11 people go, how long they must wait, under what conditions, and
12 having maybe too many people there at one time so the visits are
13 truncated.

14 What's your plan to get arms around that problem?

15 MR. TILTON: Well, two-fold.

16 One is, as you know, Senator, I think the first
17 thing I did when I got here was to expand visiting, given my
18 resources. I had part of the 50 million I got this last year
19 was to extend a third day at 10 institutions. And I'm very
20 supportive of the proposal that's in the budget now to extend it
21 at 10 more prisons.

22 Plus also, the issue of adding community resource
23 managers to how do we link that.

24 You're right. Community ties, and tying back to
25 families is very critical.

26 The other issue, I've had a number of wardens who
27 have come to me with a problem, and I'll -- the warden at
28 Soledad came to me this last year and says, "I'm struggling

1 here. Come with me."

2 And I went to Soledad, and we went out to
3 visiting. And it wasn't too hot, but it was not comfortable.
4 And then he says, "Well, some days it's too hot, some nights too
5 cold. I've got a tent here, and I've got no way to provide a
6 decent environment for these people coming to visit. Can you
7 give me a trailer?"

8 Well, as part of the AB 900 strike teams, I was
9 just recently authorized to go use modulars that I can build by
10 inmates at Folsom to go do that. So, we're going to be sending
11 some trailers out.

12 And what he wanted to do, he says, "Just let me
13 have a staging area where people can come in. We can have a
14 basic reasonable situation. They can get a ticket and then go
15 get in line, not have to go wait in line the whole time, waiting
16 for visiting."

17 And so, there's an example of a warden who had a
18 problem, struggled. Our current environment, there's -- the
19 admin process wasn't conducive to him getting a trailer. But
20 recently, because of the facility strike team, we've now got a
21 solution, and we're going to be looking at those issues.

22 So, it's -- I -- everyone knows it's sensitive to
23 us. I do not have, and it's one of the things I like about --
24 we have a function at the department called Ombudsman, who goes
25 out and what they do is check on these things. And I'm getting
26 reports that, you know, our phone systems aren't good; you can't
27 call in to who -- you can't get a person. And so, they're
28 identifying issues for me.

1 But in my walking and talking to wardens, this
2 issue of providing access for visiting is starting to hit home.
3 I'm not sure they're all there yet, but they -- they know it's a
4 priority for me. And so, we will keep working on it, and it's
5 part of our accountability issue about: How are you doing, in
6 terms of not just having visiting, but how do you treat people
7 as you come in the door? And it's a priority, and we'll keep
8 working on it.

9 And hopefully, people are calling me, that, "Hey,
10 you've got some warts here. You've got some situations where
11 people aren't doing that," and I need to have to keep
12 reinforcing the expectation and the accountability.

13 But visiting, and access, and family ties is
14 key. And the one thing we did this year, we're trying, we added
15 social workers to visiting, with the idea of providing
16 assistance to those families. It's both sides.

17 In fact, I had -- someone recently told me, "We
18 need to help train families to accept inmates coming back as
19 well as train inmates to go back and deal with their families.
20 It's a two-sided issue."

21 Different thought. I was focusing on just getting
22 them there, and they says, "No, you need to find ways to allow
23 them to understand what happens when a person's been in an
24 institution for 10 years and now comes back out on the street.
25 It's not an easy transition. It's like coming back from a war,
26 or whatever."

27 So, we added social workers to try to find out
28 how we facilitate those visiting.

1 So, it's a priority. We're not there yet. We'll
2 keep working on it, but a good, solid visiting program, as well
3 as contact with community people, is important as they
4 transition back to community.

5 CHAIRMAN PERATA: Thank you.

6 I'd like to now ask those in support and
7 opposition to come forward. We have a lot of you here -- not
8 all at once. Support first.

9 I'm asking you to limit your comments to two
10 minutes in deference to the number of people here.

11 MR. WARREN: My name is David Warren. I'm
12 appearing on behalf of Taxpayers for Improving Public Safety.

13 First, I would like to offer a public apology to
14 the Secretary. I had submitted a letter to all of you, and
15 there was a failure to communicate concerning our ability to
16 communicate with each other.

17 And since that was submitted in writing to all of
18 you, I wanted to note that we've discussed it, and it was
19 apparently a misunderstanding, and that apology should be made
20 public, since I made that a public condemnation of the
21 Secretary.

22 We submitted to you a letter in which we asked
23 six questions, and I'm hoping you received the answers to those
24 six questions. I haven't heard them in the answers in two days
25 that I've been here.

26 We have one more question that Senator Perata
27 touched on after Mr. Sillen's visit to Sacramento yesterday.
28 Does the department -- is the department prepared in case the

1 three-judge panel decides that there is going to be an inmate
2 population ceiling? Because this is going to take some rapid
3 planning, and it's something that we're going to have to face.

4 Also, I'm frankly concerned that when we look at
5 the amount of the money that has been provided in AB 900 for
6 rehabilitation programs, when we divide it by the number of
7 inmates we have, the amount of money is rather limited.

8 I would like some assurance from the Committee
9 and perhaps from the Governor that there is going to be the
10 financial support for all the programs that the Secretary has so
11 politely and properly presented to you, because after years and
12 years of watching the deterioration inside, I'm concerned that
13 the words are there, but the action won't be.

14 Thank you very much.

15 CHAIRMAN PERATA: Thank you, sir.

16 MR. LOVELL: John Lovell, and I'm here on behalf
17 of the California Peace Officers Association, who represents
18 really the whole range of the profession. Our members are
19 sheriffs, chiefs, the command staff at all jurisdictional
20 levels, and rank and file members. And the California Police
21 Chiefs Association, and police chiefs protect over
22 three-quarters of Californians.

23 Both of these organizations have worked with
24 Secretary Tilton over the last year. And we have been very
25 favorably impressed with our contacts with him. He is very
26 open. He is -- he's seeking new ideas. He is someone who is a
27 problem-solver.

28 He is taking on an extraordinary task, but he

1 seems to be -- our experience is that he is bringing all of the
2 resources that he can muster to the table to address these
3 issues.

4 And I can tell you on a personal level, I've
5 worked with the Secretary in my behalf, representing both those
6 groups, and I believe he is in the highest standards of public
7 service. And I'm very pleased that both my organizations are
8 strongly supporting him.

9 CHAIRMAN PERATA: Thank you.

10 MR. BROWN: Thank you, Mr. Chairman and Members
11 of the Committee. My name is Chris Brown, and I'm the
12 Legislative Liaison for the Association of Black Correctional
13 Workers.

14 I would like to say that the Association of Black
15 Correctional Workers recently elected a new president who's in
16 the audience, Darlene Estes. And we had the opportunity to meet
17 with Mr. Tilton and his -- members of his executive staff.

18 And they showed complete support for our
19 organization, and we in turn would like to share complete
20 support for the confirmations of both Mr. Prunty and Mr. Tilton
21 to their positions as Secretary and Undersecretary.

22 CHAIRMAN PERATA: Thank you.

23 SHERIFF MCGINNESS: Good afternoon, Senator
24 Perata and Members of the Rules Committee.

25 It's my pleasure -- I'm John McGinness, the
26 Sheriff of Sacramento County, and here on behalf of the
27 California State Sheriffs Association.

28 It's my pleasure to speak out in support of

1 Mr. Tilton. He has been phenomenal to work with, very
2 accessible.

3 He clearly understands that the challenges facing
4 the 58 counties in the State of California as it relates to
5 correctional environments are inextricably linked to that of the
6 Department of Corrections and Rehabilitation, and has worked
7 very much with us, also understanding that very high on our
8 priorities is to reduce the recidivism. And a great means to
9 that end is to work very diligently towards re-entry efforts, to
10 prepare people when they get out of custody to assimilate into
11 society and live by the rules, and in fact, hopefully, be
12 productive members of society.

13 So, to that end, I'm very proud and pleased to
14 have a chance to speak out in support of Mr. Tilton. I thank
15 you for your time.

16 CHAIRMAN PERATA: Thank you.

17 MR. TATUM: Good afternoon. My name is Richard
18 Tatum. I'm the State President of the California Correctional
19 Supervisors Organization.

20 Mr. Tilton has taken on a huge responsibility and
21 task. His straight-forward approach shows he is really serious
22 about making positive changes.

23 We as a labor group often find ourselves in
24 opposite sides when attempting to resolve labor issues.
25 However, Mr. Tilton can always be counted on to provide honest,
26 ethical decisions.

27 He has many years of experience in managing
28 financial matters and will continue to be an asset to the people

1 of the State of California.

2 With that, we're requesting that you confirm his
3 appointment.

4 CHAIRMAN PERATA: Thank you.

5 MR. FARDAN: I want to greet you with the
6 greeting which means, "Peace beyond to you," As-salaam Alaikum.

7 My name is DaaiyAllah Fardan. I am a chaplain
8 with DJJ, and I'm also the President of ACCSS. ACCSS is
9 Associated Chaplains in California State Service. It is a
10 professional training organization recognized by the state and
11 supported by the state's employed chaplains across all
12 corrective institutions under the CDCR.

13 We are pleased to support the Senate confirmation
14 of James Tilton as Secretary for the Department of Corrections
15 and Rehabilitation. Mr. Tilton has shown through his actions
16 and his dialogue over the past year and three months as Acting
17 Secretary for the CDCR that he is committed to the "R" that is
18 Rehabilitation in the CDCR, and has a proven track record of
19 high level of public service in California, including fiscal
20 responsibility required to meet the extraordinary demands of the
21 current CDCR's current stature.

22 We are again -- we encourage you for the
23 confirmation Senator Tilton -- Secretary Tilton.

24 CHAIRMAN PERATA: Thank you.

25 MR. GIVENS: Mr. President and Members, my name
26 is Ron Givens. I'm also with ACCSS, the Associated Chaplains in
27 California State Service. I serve as their Executive Director.

28 And over the last year and three months, we have

1 had the opportunity to work with the Secretary, first when he
2 was Acting Secretary, then right after his appointment and
3 throughout the year, and recently in conversations.

4 We're very encouraged that the Secretary is in
5 support of the mission of the chaplaincy, who are really the
6 original stakeholders when it comes to rehabilitation. We're
7 very, very happy that the "R" is being focused on.

8 Since prisons were called penitentiaries, we've
9 been there, you know. We've been the ones that have connected
10 the mind, the body, and the soul.

11 And in our most recent meeting with the
12 Secretary, just prior to his last confirmation hearing, we were
13 pleased to be able to inform him that there's over 14,000
14 volunteers, on top of the 172 employed chaplains in CDCR. So,
15 the community is out there. They're willing and they're ready
16 for the opportunity to help.

17 And we do believe that Mr. Tilton is the right
18 man for the job at the right time with his fiscal
19 responsibility. The team that he's assembling is a phenomenal
20 group of individuals, and we are looking forward to
21 confirmation.

22 We appreciate your time. Thank you.

23 CHAIRMAN PERATA: Thank you.

24 SHERIFF BONNER: Good afternoon. I'm Ed Bonner,
25 Placer County Sheriff, and the Vice President of the California
26 State Sheriffs Association.

27 We're here again to ask for your support for
28 Mr. Tilton's confirmation as the Secretary of the California

1 Department of Corrections and Rehabilitation.

2 Over the last year, we've had some tremendous
3 meetings with him, very collaborative, a whole different
4 approach, and we do appreciate that. He is one the first people
5 actually to look at the counties as part of the prison system.
6 We are actually the entry point for everyone who comes into the
7 state prisons.

8 I also had the pleasure to serve with Mr. Tilton
9 on the Governor's Task Force on High Risk Offenders, and I found
10 his candor and leadership refreshing.

11 He also demonstrated an incredible -- what shall
12 I say -- wisdom in his decision to go on vacation with his wife,
13 I think.

14 [Laughter.]

15 SHERIFF BONNER: Very important.

16 You know, the task at hand is challenging. It's
17 not going to be easy, but the California State Sheriffs
18 Association, who represent 100 percent of the people in
19 California, are here to voice our support for Secretary Jim
20 Tilton.

21 Thank you.

22 CHAIRMAN PERATA: That's one up on the chiefs.

23 [Laughter.]

24 SHERIFF PAZIN: Good afternoon, Chairman and the
25 rest of the Senators. Sheriff Mark Pazin, P-a-z-i-n, Merced
26 County, and also the Executive Board of the Cal State Sheriffs
27 Association.

28 I just wanted to echo Sheriff Bonner's statements

1 and ask that you confirm Secretary Tilton.

2 Thank you.

3 CHAIRMAN PERATA: Thank you.

4 MR. RAMIREZ: Good afternoon, Chairman and
5 Members. My name is Frank Ramirez. I'm a correctional
6 criminologist by training.

7 I've been impressed with the team that the
8 Secretary has put together. I've been working with him and his
9 team on the AB 900.

10 Just to echo some of the other comments, he's, I
11 think, a great man with the skills, knowledge, and ability to --
12 to do a very challenging job.

13 Thank you.

14 CHAIRMAN PERATA: Thank you.

15 MR. RICHTER: Good afternoon, Senator Perata and
16 Members of the Rules Committee. Dale Richter, Chair of the
17 Family Council. I've provided a copy of my written statements.

18 The Family Council is an organization of families
19 that has been meeting and dialoguing with the Department of
20 Corrections for the past nine years, working on numerous issues
21 of importance to families and their loved ones in California's
22 prisons.

23 The Secretary's referred to some good initiatives
24 that we have been working on over the years, and I would like to
25 add to that.

26 In addition to the visiting improvement effort
27 and the expansion of the third day that we started last spring,
28 adding the ten more this year, he's also supported the Get on

1 the Bus Program for transporting children of female prisoners to
2 the women's institutions.

3 He mentioned the social workers program. I was
4 at Kern Valley visiting my son last weekend, where we introduced
5 that program. And I think that's going to be a very vital
6 service to families and to prisoners.

7 I think it needs some advertisement and some --
8 some more publishing so that prisoners understand and visitors
9 that the social workers are there to help us, not to spy on us
10 when we're visiting. Put a little more positive spin on it.

11 The Secretary's also supported the efforts that
12 we have been working with to eliminate the telephone concession.
13 As you know, the \$26 million concession to the state's General
14 Fund on the back of families who accept these collect phone
15 calls, they're a tremendous burden and a tremendous hardship.

16 We presented a proposal to Sub Four this year
17 that Senator Machado embraced, which would result in a gradual
18 four-year phase-out of the concession, 6.5 million a year, to
19 minimize the hit on the General Fund so it wouldn't take all 26
20 million in one year.

21 I'd also like to point out that the Secretary has
22 committed to the reconstruction of the Office of Research within
23 the CDCR. At the Judicial Council's Symposium in Southern
24 California last week -- last month -- that I participated in, I
25 had the opportunity to meet with Dr. Chapman, who the Secretary
26 brought in from Florida, a wonderful person with vision. He did
27 a lot of good work in Florida, and he has 25 years' experience
28 in the field of correctional research.

1 Now, having said all those wonderful things, I
2 wouldn't be doing a balanced presentation --

3 CHAIRMAN PERATA: Well, you're going to have to
4 say it real fast. Do you have that written down?

5 MR. RICHTER: Yeah. There's just --

6 CHAIRMAN PERATA: You can just submit that to the
7 Sergeant and sum up, please.

8 MR. RICHTER: Yeah. It's all there.

9 There's two minor areas of concern we have right
10 now: with the out-of-state transfer plan; and then also the
11 change in standard for searching visitors at the prisons from
12 probable cause to reasonable suspicion.

13 We think there need to be a lot of training
14 provided to the staff. And we need assurance from the
15 department that visitors are going to be treated well. Our
16 dignity and our respect is not going to be compromised, and the
17 staff is not going to cross lines -- cross that line of respect
18 and subject all of us to unnecessary intrusions to our privacy.

19 And the other concern with the out-of-state --

20 CHAIRMAN PERATA: This isn't the federal
21 government. We don't do that here.

22 [Laughter.]

23 CHAIRMAN PERATA: This Committee shares your
24 concerns on that issue.

25 Thank you.

26 MR. RICHTER: Yes, thank you.

27 CHAIRMAN PERATA: And would you submit that,
28 please, to the good-looking gentleman behind you?

1 Yes, ma'am.

2 MS. BIRD: Cayenne Bird, representing United for
3 No Injustice, Oppression or Neglect.

4 I've been coming up here for nine years,
5 sometimes often the only person in opposition. I was opposed to
6 Edward Alameida.

7 CHAIRMAN PERATA: Now, Tom McClintock is a Member
8 of our Senate. He's always in opposition.

9 MS. BIRD: [Laughing] Well, I'm not always in
10 opposition, but some of the people that I did warn you about as
11 a good watch dog you ended up firing, and having a big problem
12 with, after they wasted millions in taxpayer dollars.

13 I -- I do not feel that Mr. Tilton is evil. I'm
14 a reverend, and I don't believe in evil.

15 But the UNION does oppose his confirmation
16 because -- because he has failed to address some very serious
17 problems.

18 I've given as an advocate for ten years at all 33
19 prisons, taking the worst of the complaints, watching all these
20 families suffer the deaths, the preventable deaths of their
21 loved ones in this system, which I know Mr. Tilton is certainly
22 not responsible for, and doing his level best to correct, but
23 I've given a lot of thought as to why people break the laws.

24 We as a society, as far as back as anyone can
25 remember, have decided that locking people in cages when they
26 don't follow the laws and the rules is -- is the thing that will
27 correct them. And I'm not sure really what statistics that's
28 based on. I really think that's a wrong paradigm myself as a

1 reverend, but -- and as an individual, as a compassionate
2 individual.

3 I do think that sometimes people break the laws
4 because they're ignorant of the law. Sometimes they --

5 CHAIRMAN PERATA: Excuse me.

6 MS. BIRD: -- they're mentally ill.

7 CHAIRMAN PERATA: You're doing fine on your
8 philosophy, but could you talk directly to Mr. Tilton --

9 MS. BIRD: I -- I also want to --

10 CHAIRMAN PERATA: -- and why you oppose him?

11 MS. BIRD: -- hold -- I also want to hold people
12 who break the law, who sit as agency secretaries, who sit in
13 elected office sometimes, I think that they need to be held
14 accountable for breaking the laws.

15 Now right now, we have the federal receivership
16 in place, which was entirely preventable. All these years that
17 we've been coming up, for nine years, coming up on a regular
18 basis, participating with you and saying, "Look, this is going
19 on," and there was no remedy. So, we had to go to the federal
20 level to try and get some help.

21 Now so far, there isn't any. I mean, people say,
22 "Well, Cayenne, whose side are you on? You're blasting Sillen;
23 you're blasting the state," in my column at California chronicle
24 dot com. Goes all over the United States. "Whose side are you
25 on?"

26 Well, I'll tell you the side I'm on. I'm on the
27 side of humanity. And none of the entities involved are taking
28 care of the prisoners, their families, and the basic complaints

1 that could often save lives.

2 Mr. Tilton is inaccessible. Why has he not
3 worked toward eliminating the lengthy bureaucratic process,
4 delays, in the compassionate release process?

5 We need to pass AB 1539. I know that both houses
6 of the Legislature have approved that last year, and I hope they
7 do again this year, but there are people suffering and dying
8 everyday that should be compassionate released. It would free
9 up the beds, and it would it would -- it would help to reduce
10 expenses because at the tail end of their illnesses, that's when
11 things cost the most. But I don't see him doing that.

12 And people have sued. They have complained.
13 They're desperate, jumping up and down. No access; no response.

14 The Attorney General goes balls-to-the-wall to
15 fight these families, and they should be prosecuting the abuses
16 that are happening.

17 CHAIRMAN PERATA: And I would encourage you to go
18 visit the Attorney General.

19 MS. BIRD: Well, the Attorney General tells us in
20 these courtroom battles that it's all coming from CDC.

21 CHAIRMAN PERATA: No, just drop by his office.
22 Don't go to court.

23 MS. BIRD: They tell us that it's CDC --
24 somebody's calling the shots on these compassionate releases,
25 and whomever that is, that is not expediting that process. And
26 it appears to be --

27 CHAIRMAN PERATA: I will tend to disagree with
28 "somebody's calling the shots."

1 Up until Mr. Tilton, I don't think anybody was
2 calling the shots.

3 MS. BIRD: Well, now we still have this going on.
4 It's not like it's corrected.

5 CHAIRMAN PERATA: I'm going to have to cut you
6 off, but would you submit all those pieces of paper, please?

7 MS. BIRD: I believe you all have something
8 there.

9 CHAIRMAN PERATA: We already do, okay. Good.

10 MS. BIRD: And I do want to also say that it's
11 ridiculous to be increasing family visits searches when it's the
12 guards bringing in the drugs and the contraband. And if you
13 really want to solve that problem, how about putting some --
14 some dogs on the guard's desk, because that's how it's getting
15 in.

16 I've been through those machines. A bra hook
17 will set them off.

18 And this new rule that you have coming up for a
19 hearing on July 31st, it's ridiculous. You're going to have
20 people rioting in prisons over it.

21 CHAIRMAN PERATA: Thank you.

22 MS. BIRD: Thank you for allowing me to speak.
23 I'll have more in my column at California chronicle dot com.

24 CHAIRMAN PERATA: Thank you.

25 Anyone further? I'm sorry, I didn't see you.
26 You were hiding.

27 UNIDENTIFIED WITNESS: Good afternoon. I'm here
28 in opposition to --

1 CHAIRMAN PERATA: May we have your name, please?

2 UNIDENTIFIED WITNESS: Pardon?

3 CHAIRMAN PERATA: Your name?

4 UNIDENTIFIED WITNESS: Oh. Well, I'd rather not
5 give that because I'm tired of my son being beaten up.

6 CHAIRMAN PERATA: Okay.

7 UNIDENTIFIED WITNESS: I'd appreciate it. I
8 don't want a retaliation.

9 I'm here on behalf of myself and the Barter
10 Defense Committee, San Jose, East Los Angeles mothers, the
11 mothers of Monterey Park, Lancaster, Palmdale. I may be one,
12 but I'm not one.

13 I'm here as one because they can't afford to be
14 here. And I'm representing them.

15 We are opposed to the confirmation of
16 Mr. Tilton. There -- the prisons have been on total lockdown,
17 totally full capacity, most of the prisons.

18 The visits are a taxpayer's waste of money. You
19 have to stay up till midnight and call -- and hope you get a
20 visiting appointment -- if you don't call by 12:08. Then
21 institutions have to call you back to confirm whether you have
22 an appointment or not, which is, normally anyone would want to
23 call at 8:00 or 9:00 in the morning.

24 I think that's harassment on families and family
25 members on behalf of the prison. They know that business hours
26 are conducted usually during the day. And I think it's outright
27 harassment, having people call at midnight to make an
28 appointment for a visit. I clearly can't see it as anything

1 else.

2 Now another thing. The prison fails to abide by
3 the Constitutional laws. Prisoners have more right to
4 protection under the Constitution of the State of California
5 than you or I, yet they are being beaten, abused.

6 My son was beaten every other day for a week. An
7 attorney had to get down there, and he had no clothes, under 30
8 degree weather, stripped naked, sleeping on the cement floor.

9 And I'd rather they had beat me, because they
10 claim I hit one of the correctional officers, out of uniform, in
11 plain clothes, in the back of the ankle at K Mark where I was
12 shopping.

13 I was not allowed to see my son for seven months.
14 Now, I don't think whatever -- she should have arrested me. I
15 was never arrested. I didn't even know anything happened until
16 I got a letter that I couldn't visit my son.

17 Now, we asked for the tape from the store, and
18 everywhere, and this and that, and nobody hands it over. My son
19 can't see nothing. He's thrown in the hole like that.

20 This -- this officer's friend -- well, I would
21 like to file criminal charges myself, but I can't do that. I
22 don't think that's right that I can't do that. Everyone that's
23 been abused by criminal acts have the right to file charges,
24 just like they want to file charges on you, if you do something
25 wrong on the correctional facility. You have the same right if
26 they wrong you.

27 I don't see where the Constitution says -- I know
28 certain people have immunity to a concern extent, but his -- the

1 overseeing -- I'm going to back to Tilton, I'm sorry.

2 The other thing here, when a person complains
3 about things that are going on in the prison that are wrong,
4 they complain because they pay taxes, and they feel the
5 government should be running right. And it can't run right if
6 no one complains and they don't know what's going on; right?

7 I mean, if I didn't know my water hose was
8 leaking a thousand gallons down the street, I can't fix it where
9 the problem is. When we've complained to try to have things
10 fixed, right away we're asked, "Well, who's your son? Who's
11 this? Who's that?"

12 They never asked, "Who did what to you? Who's
13 the perpetrator?" It's, "You're the perpetrator." The visitors
14 are the perpetrator.

15 Now, you're claiming he wants to hire officers to
16 search the visitors more. And when we're being searched, we're
17 searched by females that are, I would say men, but female; okay?
18 And we have to expose ourselves the way they want to see us;
19 okay? Which I don't think that's fair.

20 The border has dogs. They can sniff cars. They
21 can sniff people. I don't mind being sniffed by a dog. I'd
22 rather be sniffed by a dog than treated the way these people
23 treat you and humiliate you.

24 I feel sorry for the prisoners. They do this to
25 people that go and visit them: reverends, ministers? If you
26 were to visit a family member in there, I don't think you would
27 like going through that yourself.

28 Now, I worked for -- I was a civil servant for

1 the county and the State of California for years. And I'm
2 treated as though I'm some -- in fact, I'm a former elected
3 Councilwoman of El Monte -- you can look that up -- in 1998.

4 CHAIRMAN PERATA: No, we can't. You didn't give
5 us your name.

6 UNIDENTIFIED WITNESS: And to be treated this
7 way, with my tax dollars, because they look at your black hair,
8 or whatever. It's just like driving while black or brown. This
9 is not right. These are supposed to be professional people, and
10 in Department of Corrections they should have much more better
11 training.

12 Now, when a prisoner wants to make a complaint,
13 they're denied; they're retaliated against.

14 How do things get care taken of?

15 CHAIRMAN PERATA: Well, let me --

16 UNIDENTIFIED WITNESS: This is retaliation by
17 Mr. Tilton. I mean, anyone can think of -- you don't have to
18 search the prisoners. A dog could smell if a guard is taking
19 the drugs in. A dog can smell anything with drugs. I mean,
20 what does it take to feed one officer and a dog in each place?

21 CHAIRMAN PERATA: I'm sure Mr. Tilton will take
22 that under advisement.

23 If you have the rest of your statement in
24 writing, I'd like you to give it to the gentleman behind you.

25 UNIDENTIFIED WITNESS: Okay.

26 CHAIRMAN PERATA: I would ask, there is an
27 ombudsman in the system. The only way that you can get any kind
28 of satisfaction would be to talk privately, but you're going to

1 have give him the appropriate information.

2 But I can assure you on behalf of Mr. Tilton that
3 if you do that, there will be no retaliation.

4 UNIDENTIFIED WITNESS: Who would I talk privately
5 to?

6 CHAIRMAN PERATA: The ombudsman, the person that
7 is hired to take care of complaints like yours, get to the
8 bottom of things.

9 UNIDENTIFIED WITNESS: Well, I want my civil
10 rights enforced.

11 CHAIRMAN PERATA: Yes.

12 UNIDENTIFIED WITNESS: I want to file charges
13 under color of authority, 198342 USC. I have a right to that.

14 CHAIRMAN PERATA: Okay, but if you speak to that
15 gentleman --

16 UNIDENTIFIED WITNESS: And I have been denied all
17 those rights.

18 CHAIRMAN PERATA: Okay. Well, let's --

19 UNIDENTIFIED WITNESS: The Federal Bureau, they
20 don't want to -- they don't want to take your report. They
21 don't want to --

22 CHAIRMAN PERATA: We can't handle that here, but
23 if you just, afterwards, you can give the name of the ombudsman,
24 and we can go from there.

25 UNIDENTIFIED WITNESS: I would appreciate it, but
26 I don't want to go through Mr. Tilton because I do believe your
27 word. I do trust in your word, Mr. Perata, but the things I
28 have seen going on -- I have never seen lockdowns in the prisons

1 like this.

2 CHAIRMAN PERATA: All right --

3 UNIDENTIFIED WITNESS: I don't feel that --

4 CHAIRMAN PERATA: Okay. It's your decision. I'm
5 not going to force that upon you.

6 You might want to go, as an alternative --

7 UNIDENTIFIED WITNESS: I want to do it, but with
8 someone else because it's not directly --

9 CHAIRMAN PERATA: It won't be him, no, no.

10 UNIDENTIFIED WITNESS: Oh, okay. I feel someone
11 that would be trustworthy.

12 I mean, I can't sleep as it is.

13 CHAIRMAN PERATA: Okay, I got it.

14 UNIDENTIFIED WITNESS: When you see the video,
15 the DVD I took --

16 CHAIRMAN PERATA: I promise you I'll look at it.

17 UNIDENTIFIED WITNESS: -- you'll understand part
18 of it. Please, I wish you to share it.

19 CHAIRMAN PERATA: I'll do that, too.

20 UNIDENTIFIED WITNESS: Because they need to know
21 what really goes on in Corrections.

22 CHAIRMAN PERATA: Thank you.

23 UNIDENTIFIED WITNESS: The truth.

24 CHAIRMAN PERATA: Okay.

25 UNIDENTIFIED WITNESS: And that's what I want
26 known, because these are the people that are going to come out.
27 There was a --

28 CHAIRMAN PERATA: Ma'am, we've got to stop.

1 UNIDENTIFIED WITNESS: Okay.

2 CHAIRMAN PERATA: I have to leave here in a few
3 minutes, and you sure wouldn't want me to go without talking.

4 Thank you.

5 UNIDENTIFIED WITNESS: Okay, thank you.

6 CHAIRMAN PERATA: Thank you all for being here.
7 The gentleman a while back who was talking about
8 a plan for if we have an intervention by the courts to cap the
9 population, I'm sure you're thinking about that. I think that's
10 an excellent point.

11 I just want to offer a very brief summary
12 conclusion.

13 I have been consistently impressed by your grasp
14 of the problems and your pragmatic approach.

15 What has concerned me and still does is that you
16 are given a free enough hand, without undue political
17 interference, to do your job. Most of the things that you and I
18 have talked about, and other Members have talked about, are
19 situations that can be remedied if the will is there, and of
20 course, if you have the financial resources in many instances.

21 It occurs to me that, you know, there's something
22 wrong when the Governor's Office can get a new Air Board Chief
23 in 24 hours, but it's been two years to fill some of your
24 positions. There is just something flat wrong with that.

25 I am encouraged by your estimation that, by
26 what's been going on and what you've been given, people are
27 beginning to be willing to come back to California and work, or
28 come into California, or where ever they've been. That's very

1 encouraging.

2 I hope that you will see those of us here, and
3 certainly in the broader Legislature -- I don't want to say
4 we're here to help, because that's become a humorous cliché --
5 but I want you to know that for people like me, there are two
6 issues.

7 The reverend spoke before about just the nature
8 of compassion. And just because you are compassionate doesn't
9 mean you're a fool. And there are some people that I know, a
10 couple that I've taught, that I'd never want to see out in
11 society again. So, it's not a question of that.

12 It's really a question of: We as a society owe
13 it to ourselves, I believe, to help anybody willing to accept
14 help.

15 The second thing is, you cost us a lot of money.
16 And we're up now at 12 billion. I mean, I've seen this thing go
17 vertical.

18 We're embroiled in a budget discussion right now,
19 if we didn't have \$4 billion that we've added in the last couple
20 of years, we'd be home; be on the beach.

21 So, to the degree that we can make that system
22 work, and make the "R" a capital "R," and people wouldn't
23 stumble over it like I do when I try to say CDCR, but it will
24 just roll out of the mouth, you're going to allow us to put
25 money into areas that maybe will keep your population down.

26 There is something inherently wrong in California
27 that we have so many people in jail. There's just something
28 wrong. There are a lot worse states, and even our

1 proportionality is a little off.

2 So, I thank you for coming back to do the job. I
3 want to do anything that I can to help you.

4 You certainly have no problem with being candid
5 in public. I would allow you to be even more candid in
6 private.

7 And I would always be responsive to you any way
8 that you feel that we can help.

9 With that, we have a motion. I'd like to approve
10 both of you at the same time, since you made this suicide
11 pact --

12 [Laughter.]

13 CHAIRMAN PERATA: -- and I don't want to be the
14 guy to mess it up.

15 So, we have a motion to approve both the
16 gentlemen. Please call the roll.

17 SECRETARY WEBB: Dutton.

18 SENATOR DUTTON: Aye.

19 SECRETARY WEBB: Dutton Aye. Padilla.

20 SENATOR PADILLA: Aye.

21 SECRETARY WEBB: Padilla Aye. Ashburn.

22 SENATOR ASHBURN: Aye.

23 SECRETARY WEBB: Ashburn Aye. Perata.

24 CHAIRMAN PERATA: Aye.

25 SECRETARY WEBB: Perata Aye. Four to zero.

26 CHAIRMAN PERATA: We will leave the roll open for
27 Senator Cedillo.

28 Congratulations to both of you.

1 MR. TILTON: Thank you, Senator.

2 [Thereafter, SENATOR CEDILLO
3 voted Aye, making the final
4 vote 5-0 for confirmation.]

5
6 [Thereupon this portion of the
7 Senate Rules Committee hearing
8 was terminated at approximately
9 3:50 P.M.]

10 --ooOoo--

CERTIFICATE OF SHORTHAND REPORTER

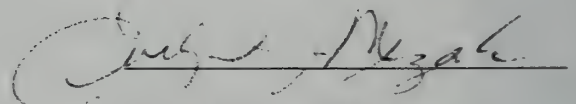
I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

17th day of July, 2007.



EVELYN J. MIZAK
Shorthand Reporter

APPENDIX

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Senate Confirmation
Responses to Senate Rules Committee Questions
SANDRA K. YOUNGEN
Director, Juvenile Facilities
Division of Juvenile Justice
California Department of Corrections and Rehabilitation

June 29, 2007

Statement of Goals

1. *Please provide us with a brief statement of your goals. What do you hope to accomplish during your tenure? How will you measure your success?*

My overall mission is to assist the Division of Juvenile Justice (DJJ) meet its organizational goals. My goals are to ensure that institutions and camps work toward enhancement of community safety by offering programming that provides for the safety of staff and the youths under our care. We will promote that reentry begins the minute a youth is committed to DJJ. We will implement evidence-based services that reduce recidivism by teaching DJJ youth skills to assist them toward a positive and successful release to their communities. We will solicit and value input from victims, community stakeholders, and the families of our youths. We will be a contributing partner with the other divisional parts of DJJ as well as with other parts of the California Juvenile Justice Continuum.

DJJ is undergoing a major culture shift. We are committed to moving away from a strictly custody/supervision model to an evidence based rehabilitative treatment model based on the individual needs of each young person in our care. As we implement reform programs within facilities and camps, we will ensure accountability and performance by developing measurable goals.

That does not mean that custody and supervision are no longer important. Rather, it means that both custody/security and rehabilitative treatment are equally important. In fact, you cannot have one without the other. Sound custody and security, coupled with a consistent treatment model, keep youths and staff safe and provide the means to reach DJJ's goals. There are five immediate issues that must be immediately addressed:

- Suicide and Self-Harm Prevention
- Youths out of their rooms and engaged in pro-social activities, especially School and Vocational Training
- Reduce Institution Violence
- Decrease Use-of-Force and the use of Temporary Detention
- Staff Training

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- 2. *The California Department of Corrections and Rehabilitation (CDCR) employs very few high ranking officials whose previous jobs were outside of California. What prompted you to accept this position and what lessons from your experience as a juvenile justice administrator in Washington State do you think are most applicable to this position? What has surprised you about your experience in California to date?***

Please allow me to begin by saying that it is an honor to be selected to join the California Department of Corrections and Rehabilitation (CDCR). I have 25 years correctional experience from the State of Washington, almost all of those years working in juvenile corrections. I began my juvenile corrections career working the floor in a maximum security behavioral treatment unit. I was promoted through the ranks serving as a living unit Program Manager, Assistant Superintendent of a juvenile institution, Headquarters Administrator responsible for coordination of the agency's mental health and sex behavior treatment, Assistant Superintendent of an adult state prison, and Superintendent of a juvenile institution that serves youths with mental health, substance abuse, and sex behavior issues. On April 1, 2001, I was asked to serve as the superintendent of Green Hill School (GHS). GHS is the largest juvenile facility in Washington State. It houses the older and most aggressive youth in that state. When I went to GHS, the facility had numerous problems. Violence was high, staff and residents were being injured far too often, staff used physical force on a daily basis to control residents, and many youths appeared not amenable to rehabilitative treatment. The culture was that the institution was the last stop for juvenile offenders before they went on to adult prison.

Despite the challenges, I implemented the agency's evidence-based Intensive Treatment Model program at GHS. Even though I was faced with great resistance to change from an entrenched core of staff, there were staff who wanted the tools and training to enable them to provide rehabilitation programs and treatment. When I left GHS at the end of November 2006, it was a changed place. Staff were actively engaged in providing treatment and the youths were actively engaged in participating. Assaults and other forms of violence dramatically decreased. Youths were out of their rooms and engaged in treatment and pro-social activities during the vast majority of their hours. There was a significant increase in the number of youths that earned a high school diploma and received vocational training. Scheduled days for family visiting had to be expanded due the significant increase in the number of family visits.

I am very proud of the positive changes at GHS. However, those changes required a tremendous amount of work and commitment, and most certainly did not happen quickly. My experience there taught me that change takes time and occurs in stages much like we have to learn to crawl and walk before we can run. As staff and youths are learning new skills and a different way of doing things, there are times when things appear to get worse before they get better. Top management and supervisors must learn the treatment model first so that they understand what resources are needed and can support and reinforce staff's efforts as they struggle to learn a new way of doing

business. The initial staff training is essential, but equally essential is ongoing training and clinical consultation for staff as they attempt to use their newly acquired skills. At first, success must be measured in "baby steps". A successful culture change requires constant reinforcement and validation from all levels of the agency.

While I was at GHS, we received two visits with representatives from the California Legislature, DJJ staff, the Farrell Court Monitor, and the Prison Law Office. During their visits, it was evident to me that this was a group of people who were wholly committed to a culture change for DJJ. I was impressed with the legislative and executive support for this change. When I saw the announcement for the DJJ Director of Juvenile Facilities, I felt that my experience in successfully changing GHS might be of some help to DJJ. Thus, I applied for the position.

Other than seeing how big the State of California is and how spread out DJJ institutions are, my biggest surprise since coming to California is how similar the challenges are to the challenges I faced at GHS. Prior to my first visit to DJJ institutions, my mental picture of what I would find was based primarily from media reports. It was not positive. However, what I found was that we have pockets of superb work and treatment being conducted throughout the system. Many staff want to see a culture change. The challenge we face is motivating and engaging all of DJJ to embrace reform.

3. *What are the primary differences between the juvenile systems in California and Washington?*

While there are differences between the two juvenile systems, there are also similarities. Both systems have a cadre of staff dedicated to making a positive difference in the lives of young offenders. Both systems are committed to ensuring an evidence-based rehabilitative model is in place. Both systems believe that transition begins the day a youth is committed to the State Juvenile Corrections. Both systems keep youth in juvenile facilities that have commitments to the adult system until the youth turns 18.

There are also major differences. California's juvenile system is larger than Washington's system and with the exception of the Stockton complex; the institutions are widely spread through out the state. The youth population in California is more diverse than Washington's juvenile population. In California, release dates are set by the Juvenile Parole Board. Washington has a determinate sentencing structure for juvenile offenders. Length of confinement is a set sentence range based on the age of the youth at the time of offense, the crime committed, and the youth's criminal history. The institutions set the release date within the sentence range. California's statute allows DJJ to refuse acceptance of a court commitment under certain conditions. Washington's statue requires that all court commitments be accepted.

Age of jurisdiction in Washington ends at age 21 for both confinement and parole. California's age of jurisdiction ends at age 21 or age 25 depending on the type of commitment. Parole revocations in Washington require a hearing by an Administrative Law Judge and are limited to 30 days return to confinement. There is an exception for certain sex offenders that allows the Administrative Law Judge to send a parolee back to a facility for more than 30 days if the youth was released prior to his/her maximum sentence. In California, Parole revocations are set by the Parole Board. The length of time for the revocation is limited only by the length of time remaining on sentence.

Washington's State juvenile system is part of the Department of Social and Health Services. California's juvenile system is part of Adult Corrections. The staff that work in Washington's juvenile system are not peace officers like the California staff. Washington's educational services are provided by the school district where the facility is located. California has its own school district that serves all DJJ youths. Washington has state and contracted community non-secure residential facilities where certain youth can serve their confinement. California does not. Washington has fully implemented a standard evidence-based Integrated Treatment Model at every facility and parole office. California is working to implement an Integrated Behavioral Treatment Model.

Background/General Questions

The 2005 reorganization of CDCR established the Division of Juvenile Justice (DJJ), formerly known as the California Youth Authority. As a result of the reorganization, DJJ operates under the direction of a Chief Deputy Secretary who supervises your position, the Director of Juvenile Facilities, as well as the Directors of Juvenile Programs and Juvenile Parole. As the Director of Juvenile Facilities, you are responsible for eight facilities and two conservation camps.

Over the past decade, the number of juvenile offenders in DJJ's facilities has dropped significantly, from over 10,000 in 1995 to about 2,500 currently. Youthful offenders committed to DJJ are under the state's jurisdiction until their 21st or 25th birthday, depending on their offense.

Due to its declining population, the Division of Juvenile Justice announced in May of this year its plans to close the DeWitt Nelson Youth Correctional Facility in Stockton. This will be the fourth DJJ facility to close since 2002.

- 4. Prior to the reorganization, there was one director of the California Youth Authority who was responsible for the entire department. Today, your position is one of several that share responsibility for the department, under the jurisdiction of the Chief Deputy Secretary. Given that the Director of Juvenile Programs has been vacant since it was created, how are these***

services coordinated at DJJ? What is your role in addressing concerns related to health care, education, or other program-related issues?

The absence of a Director of Programs has afforded me as a newcomer to DJJ, the opportunity to personally learn how DJJ provides education, health care, and mental health services for our youths in facilities. I converse on a weekly and sometimes daily basis with our Superintendent of Education, Chief Medical Director, Chief Psychiatrist, and Chief of Program Development. They are always responsive to my questions, concerns, and recommendations. Shortly after my arrival, we committed to role model a multidisciplinary approach. They attend the monthly Superintendent meetings and participate in the Superintendent's weekly conference calls whenever issues arise that cannot wait until the monthly meeting. In addition, Chief Deputy Secretary, Warner holds Management Team meetings every Wednesday and we all attend. My colleagues are open and committed to addressing concerns and improving services to our youngsters.

5. How often do you meet with facility superintendents? What issues do you expect the superintendents to bring to your management level? What types of issues do you expect them to resolve at the facility level?

We have monthly Superintendent meetings. Additionally, we have weekly Superintendent conference calls which are conducted by myself or in my absence by my Deputy Director. When necessary, we have additional conference calls to deal with single item issues of importance. I also use email and have numerous telephone calls individually with Superintendents. Superintendents are encouraged to bring any issue to my attention or my Deputy Director's attention.

I fully expect the Superintendents to be in charge of the daily operations of their respective facilities. They must ensure adherence to DJJ policies and procedures. They are ultimately responsible for all aspects of the facility that includes in part custody and security, hiring and training of staff, staff and youth safety, youth health and mental health care, rehabilitative treatment and programming, facility maintenance, and budget.

It is my expectation that Superintendents will contact my office on all high profile events such as violence problems, major injuries to staff and youths, expert visits, staff assaults, investigations/disciplinary actions, institutional emergencies, etc. Additionally, they are expected to contact my office for clarification of policies, directives or expectations established by my office, the Chief Deputy Secretary or other DJJ/CDCR offices. Lastly, Superintendents must notify my office of contacts with key external and internal stakeholders. At this juncture, I am very pleased with the communication lines I have with the DJJ Superintendents.

6. Please describe the steps you have taken since your arrival to make yourself available to address concerns from staff?

I have taken multiple actions to be available to address staff concerns.

- First, my constant interaction with the Superintendents provides an important avenue for DJJ staff concerns to be raised to me or my management team.
- Second, I personally respond to all emails, telephone calls, and letters that I receive from DJJ staff. I make it a personal point of emphasis to ensure their concerns are properly reviewed and the staff receive responses in a timely manner.
- Third, I have had the opportunity to meet with representatives of the labor groups that represent DJJ employees. These meetings are valuable opportunities to hear a different perspective on issues concerning our employees.
- Fourth, I have had numerous opportunities to visit our institutions for special events, project meetings, and on-site reviews. We also rotate our monthly Superintendent meetings among all the institutions and camps. As I have learned more about our overall operations from a Headquarters perspective, I have been afforded more time and opportunities to visit the institutions and spend considerable time on the grounds.

If I am to be successful in this position, it is essential to establish a level of visibility and openness for DJJ staff. I want all DJJ staff to know that I have an open door policy and I welcome and value their comments.

7. When you visit facilities, what are the benchmarks you look for to measure whether they are operating efficiently and effectively?

I look to see:

- How visitors are greeted when they enter the facility.
- If youths are out of their rooms and participating in school, work, treatment groups, and other pro-social activities.
- If the youths are well groomed and well clothed.
- If youths clamor for my attention instead of going to their staff.
- If the facility is clean and well kept.
- If the facility, educational, medical, mental health, and support staff are actively engaged with the youths.
- If living unit staff know their youths and can answer questions about their treatment progress.

- If there are posters and other visual aids posted to promote change and reinforce success of youths and staff.

8. *How should the Legislature measure your progress? What specific yardsticks should we use?*

The Legislature should expect that I have worked toward having a strong infrastructure in place to facilitate the implementation of reform; for example, program development, hiring staff, and staff training. DJJ staff and youths should be safe inside institutions and camps. Yardsticks for measurement could be compliance with the Farrell mandates, Performance Based Standards (PbS), and COMPSTAT.

Farrell Lawsuit

Under a 2004 consent decree in the Farrell v. Tilton lawsuit (originally Farrell v. Harper), the state agreed to improve living conditions, health care, mental health care, education, and other treatment programs throughout the Division of Juvenile Justice. A team of outside experts, agreed upon by the administration and plaintiff's attorneys, described a broken system with unsafe conditions for youth and staff, lengths of stay almost three times the national average, information systems incapable of supporting management, and enormous costs with few positive results. They recommended major changes based on smaller living units and significantly increased treatment and rehabilitation programs.

9. *What role do you play in implementing the Farrell remedial plans? Please describe.*

I have three distinct roles in the implementation of the Farrell Remedial Plans. As part of the DJJ Executive Team, I have a global responsibility for overall Farrell implementation affecting all aspects of the organization.

I have a second role as the Director of Juvenile Facilities. My division has a bilateral role. Ultimately, we are responsible to implement a significant number of the action steps from all six Remedial Plans. Many of the action items in the Safety and Welfare Plan must be developed as well as implemented by facilities. Additionally, I need to ensure that the Superintendents have the tools and resources to safely implement the Farrell Remedial Plans given facility needs, staffing challenges, and the responsiveness of wards and staff.

My third role requires me to serve as a collaborator with my peers to find viable solutions when Farrell Remedial Plans present multiple parties (institutions, mental health, medical, and education) with implementation challenges. After we collectively resolve issues, it is common for us to speak with one voice such as issuing joint

memorandums and directives to staff. I have a responsibility to role model a multidisciplinary approach whenever I interact with my peers.

10. What progress has been made in the Farrell lawsuit? Where has progress been delayed? Please explain.

Regular meetings are being held with the Special Master and Prison Law Office (PLO), to collaboratively work to resolve issues. Regular Case Conferences are held with the Judge and PLO. A large meeting of Court Experts for all the Remedial Plans and the Court Monitor was hosted by the Safety and Welfare Court Expert in May 2007. The purpose of the meeting was to provide each expert information regarding how implementation issues for each plan must be coordinated with other plans. The meeting resulted in support from all experts to coordinate their work on DJJ implementation plans.

Major Areas of Progress

Remedial Plans - All six Remedial Plans have been filed with the court. Five of the six audit tools (Standards & Criteria) have been developed and filed with the court. The last remaining audit tool to be filed, the Health Care Services Standards and Criteria, is expected to be finalized and filed with the court in the next 4-6 weeks.

Assessment – One of our primary goals is to place our youth into living units that address their level of risk and treatment needs. We have just awarded a contract for a statewide risk/needs assessment tool that will identify a youth's risk, needs and strengths, allowing for safe and appropriate placement into living units as well as helping us develop individualized treatment plans designed to reduce the youth's risk to re-offend. This risk/needs assessment tool will play an integral role in our core treatment model, the Integrated Behavior Treatment Model (IBTM). We are currently using an interim classification tool that identifies high risk youth for violence and low risk youth and we are separating them accordingly by living unit. We have also finalized or are near finalization of contracts for the Voiced Diagnostic Interview Schedule for Children (V-DISC) and the Juvenile Sex Offender Assessment Protocol II (J-SOAP II) that will greatly assist us with the assessment and identification of treatment needs for our youth with mental health or sex offense histories.

Data Collection – DJJ continues to rely on our Offender-Based Information Tracking System (OBITS) for demographic commitment, movement and time accounting information. In addition, the Ward Information Network (WIN) Exchange is scheduled to be fully implemented within the next six weeks which will allow for a more accurate and effective sharing of critical program information. Our Daily Operations Report, which will come from the WIN system and will allow us to review and respond to issues such as Use of Force, violence and suicidal behavior on a daily basis, is in the final stages of development.

We are also beginning to participate in the PbS system, which will enable us to compare ourselves on a national basis and we are participating in the COMPSTAT process within CDCR. The COMPSTAT process requires us to compile specific data and report on certain benchmarks at regular intervals in an open meeting with public attendance.

Key Policy Development – DJJ has developed or is in the process of developing key policies as identified by the court experts in the various remedial plans. These key policies include our Acceptance/Rejection Criteria, Suicide Prevention, Restricted Program, and Levels of Care to name just a few. In many of these policies, we have worked in collaboration with both the experts and plaintiff's counsel.

Communication with Stakeholders – We are continuing to strengthen our communications with outside stakeholders such as other state agencies, the courts, county Probation Departments, youth family members and various advocacy groups. Examples of such communications would include standing meetings with the Department of Mental Health, participation in various regional and national conferences, the hiring of additional Community Court Liaisons to help educate Judges, DA's and Public Defenders about the programs and services offered within DJJ, and the development of family visiting days and family involvement in a youth's treatment as just some examples.

Audit Results – The first two plans to begin their reform implementation, the Wards with Disabilities Program (WDP) and Education Services have had the benefit of two years or two rounds of audits for each of our facilities by the experts for their respective plans. The results of these expert audits shows that our "substantial compliance" average for all eight of our facilities is at 66% for the Wards with Disabilities Program and 59% for Education Services. These averages reflect a 22% increase in substantial compliance for the Wards with Disabilities Program and a 16% increase for Education Services from their first round of audits to their second round. Progress is being made. The remaining plans are developing their audit schedules and will begin conducting full audits in the very near future.

Areas of Delay

Conversion of the Heman G. Stark and N.A. Chaderjian Facilities to Rehabilitative Treatment Models – These conversions have been temporarily put on hold due to the Governor's Public Safety Realignment proposal. We are waiting to find out the impact, if any, on our population before providing further resources to these conversions. As a result of this proposal, we may need to re-assess our conversion plans. However, as Chief Deputy Secretary Warner continues to stress, regardless of the number of youth in our care, we are committed to implementing the reforms as identified in each of the six remedial plans and providing the appropriate level of care for each youth.

Policy Development – As a result of the Farrell lawsuit and the agreements made in each of the six remedial plans, 844 policies either need to be completely developed or substantially revised. Of that number, approximately 100 have been completed. Presently, several policies have been drafted and are pending the formal review process. These policies include: Ward Incentive Program, Ward Grievance, Staff Misconduct Compliant, Disciplinary Decision-Making System (DDMS) and Use of Force.

IT Development – The WIN Exchange System was originally to be in place by January 1, 2007. Due to contracting delays, the WIN Exchange System is now expected to be on-line by August of this year.

Program Service Day – This is an integral part of the core treatment model currently in development. A major component of this model is a risk/needs assessment tool. DJJ recently awarded a contract to develop this tool.

Sexual Behavior Treatment Program (SBTP) Curriculum Development – There was approximately a one year delay in developing and implementing this curriculum due to contracting issues in securing the consultant responsible for the development of this curriculum. In early April, a contract was executed to complete this curriculum and we expect our first set of deliverables to be completed in July.

Female Offender Contracting for Services Outside of DJJ's Facilities – In April, 2007, DJJ released an Request for Proposal (RFP) for \$8.6M with the intent to award contracts statewide on a regional basis (Northern, Central and Southern California) for secure residential services for girls and young women committed to DJJ in placements outside of DJJ facilities. At a Bidders Workshop later that month, potential bidders had a significant concern that the amount of funds available for the RFP was not enough to cover secure placements, treatment services and health care costs. It was requested that DJJ consider paying for health care costs. On May 21, 2007, DJJ cancelled the RFP due to lack of response with the intent to re-issue the RFP to include provisions for *exceptional* health care costs. It is anticipated that the RFP will be reissued in early to mid-July 2007.

11. ***One of the commitments DJJ made as part of the Farrell lawsuit was to address the high use of time adds (i.e., additions of time to a youth's parole consideration date), which averaged approximately nine months per youth last year. Time adds are seen by many as a result of the high levels of disciplinary problems within DJJ. What progress have you made in addressing this issue?***

Based on the cyclical nature of the reporting of the time adds/cuts, it is too early to tell if a true change has occurred either higher or lower. Although we are working to correct the issue, hearing panels (both DJJ and Parole Board) have not met consistently on a month to month basis. Therefore, some months show the net result is deceptively low, while others provide a catch-up and the net result is deceptively high. Data currently

available does not show any significant change over the past year. However, this is an issue that we need to address in the very near future.

That said, prior research has shown that approximately 30% of our population is receiving the time adds for disciplinary reasons. Following are some of our specific actions we will be implementing to address the behavioral problems and thereby affect the disciplinary time add concerns.

- Implement Behavior Treatment Programs which focus on interventions and reintegration into the regular programs and minimize long term placements in Special Management Programs.
- Improve our crisis management and de-escalation efforts when dealing with anti-social behaviors exhibited by wards.
- Continue to expand the Ward Incentive Program to reward youth for pro-social behavior.
- Expand our Violence Reduction Committee efforts to target specific problems which are identified as the major contributors to institutional violence.
- Ensure our treatment efforts focus on a cognitive behavior approach related to the criminogenic factors of anti-social values and anti-social peers.
- Reinstitute a Restorative Justice Program which helps youth develop an empathy for those affected by their criminal activities.
- Consult with national experts on a regular basis for developing programs which effectively deal with the portion of our population that earns the majority of the disciplinary time adds.

12. *A year ago the Chief Deputy Secretary, Mr. Warner, outlined in his letter to the Senate Rules Committee a preliminary schedule for reform that included establishing a core treatment facility by March 2007 and four behavior treatment programs in Southern California by June 2007. What is the status of these reforms?*

These Reforms are dependent on the physical plants of each facility and the necessary remodeling. Facility assessments have taken place. Treatment, education and recreation space needs have been evaluated. Requests have been made for a combination of modular's and renovations, to meet the space needs necessary for the programming.

N. A. Chaderjian Youth Correctional Facility continues to be identified as our specialized treatment facility for mental health and sex behavior treatment. Before we could safely transfer youths to N. A. Chaderjian Youth Correctional Facility, we needed to renovate sleeping rooms for our mental health youths. Renovations of the Kern, Merced, McCloud, Feather and Mojave rooms at N. A. Chaderjian Youth Correctional Facility to minimize self-harm and suicide risk were completed on June 21, 2007. Modular's are scheduled to be installed by July 2008. The transfer of youth needing mental health

and sex behavior treatment is dependent on the ability to recruit and hire the clinical staff necessary to provide the treatment services. Until just recently, there was a large disparity in pay between clinicians working for DJJ and those working for the adult system. A recent pay letter increasing pay for DJJ staff is anticipated to greatly assist DJJ with the recruitment and hiring of qualified clinicians.

The establishment of four Behavior Treatment Programs in the south has been delayed due to possible facility closures as a result of the population forecast combined with the realignment policy included in the 07-08 budget. Once the Budget is passed and signed, we will know the projected numbers of bed decreases. At that point we will be able to move ahead with facility changes adapted to meet the treatment needs of our remaining resident population.

Regardless of the need to consolidate beds, work has continued to meet the mandates of Farrell. A contract was awarded in June, 07, for the development and implementation of the Integrated Behavior Treatment Model, including a comprehensive Risk/Needs Assessment. Work with contractors is scheduled to begin this month (July). There has been an interim Restricted Program implemented at OH Close Youth Correctional Facility, as recommended by one of the experts. Information from this implementation is assisting us in development of the Behavior Treatment Program (BTP). The contractor will also assist with the development of the BTP. Renovations and modular space have not yet been completed. A group of staff, dedicated to the development, implementation and quality assurance of the model has been hired, and have been undergoing numerous trainings opportunities, to better prepare them for the development and implementation of Evidence Based Practices.

As part of the Farrell lawsuit, the state committed to placing female offenders in secure placements outside of DJJ's facilities. The state is now seeking proposals from potential providers for this service.

13. What is the status of this process?

On July 10, 2006, the State filed in court the Safety and Welfare Remedial Plan that outlined DJJ's plan for system reform. The plan has required DJJ to consult with nationally known experts in gender responsive programs and services; to release a Request for Information (RFI) to help identify existing and/or potential capacity for secure residential services for girls and young women committed to DJJ in placements outside of DJJ facilities; and to provide gender responsive programming that is developmentally appropriate. DJJ has accomplished the following:

Since February 2006, DJJ has consulted with nationally known experts, Dr. Barbara Bloom and Dr. Stephanie Covington, in gender responsive programs and services to assist with the development of the RFI, RFP and to assist with providing information on how to evaluate providers regarding gender responsiveness. In addition, there has

been on-going collaboration with the Associate Warden for Female Offenders on the Adult side, to build on what they have developed for their female population.

In April 2006, DJJ released the RFI to the public, Juvenile Court Judges, Chief Probation Officers, substance abuse providers, County Alcohol and Drug Treatment Directors, California Mental Health Directors Association, County Welfare Directors Association, California State Association of Counties, and Community Residential Care Association of California. Twenty-four responses to the RFI questionnaire were received from local governments and private/non-profit organizations indicating they were interested and had the capacity to serve DJJ girls and young women.

In the Governor's 2006/2007 Budget, DJJ received the necessary funding and legislative authority to release an RFP for secure residential placements for females committed to DJJ. In April 2007, DJJ released the RFP for \$8.6M with the intent to award contracts statewide on a regional basis (Northern, Central and Southern California).

On April 18 & 20, 2007, DJJ held Bidders Workshops for potential providers. Approximately 11 potential bidders attended the workshops. Two significant concerns were raised: there was not enough time to submit a proposal with a due date of May 1, 2007; and the amount of funds available for the RFP was not enough to cover secure placements, treatment services and health care costs. It was requested that DJJ consider paying for health care costs.

On April 27, 2007, an addendum to the RFP was posted on the Contract's Registry and DJJ website extending the due date for submission of proposals to June 1, 2007 to allow time for potential providers to submit proposals. On May 21, 2007, an addendum to the RFP was posted on the Contracts Registry and DJJ website cancelling the RFP with the intent to re-issue the RFP to include provisions for *exceptional* health care costs. DJJ has drafted the health care addendum language and it is in the final review and approval process. It is anticipated that the RFP will be reissued in early July 2007.

14. *What role would the Division of Juvenile Justice play in monitoring the treatment of female offenders in county or private facilities?*

In the event that DJJ is successful in contracting for all or a portion of its female population, DJJ will continue to have jurisdictional responsibility for this population. DJJ will provide administrative oversight, monitoring and technical assistance to ensure that gender specific services for females are provided at contracted facilities and/or DJJ facilities that are equal to those provided to males under the rehabilitative model described in the Safety and Welfare Remedial Plan.

Gangs and Violence

- 15. *Gang issues permeate many aspects of life at DJJ, including placement, access to programs, etc. Young people reportedly feel that they have to join gangs to protect themselves once they get to a DJJ facility. What are you doing to address this?***

A vast majority of our young people have joined a gang or are affiliated with gang values prior to their DJJ commitment. However, some of our youth do feel that upon entry to DJJ they must align themselves with a gang. Confronting gang behavior is a major challenge. From my experience, you need to begin with recognizing that changing a young person's adherence to gang values and gang lifestyle must be dealt with in a comprehensive manner and not simply with an identification/suppression approach. The following represents our starting points to a very complex problem.

- Continue to diligently pursue a classification strategy which separates youth who are high risk for institutional violence from those who are low risk.
- Contract for the development of a standard risk needs assessment and fully implement it once developed.
- Develop treatment strategies which deal specifically with the criminogenic factors related to anti-social values, anti-social peers, and family dynamics which contribute to the gang lifestyle.
- Set a consistent zero tolerance for violence of any form. This includes physical aggression, victimization, verbal aggression, and any action written or drawn that depicts/supports aggression.
- Teach staff to role model, reinforce, and reward non-violent behavior.
- Fully develop and implement our conflict resolution teams to teach young people alternative strategies for resolving conflicts that would have previously resulted in violent acts.
- Expand the Project Impact Program and other similar programs to provide guidance to our youth from individuals who have renounced the gang lifestyles.
- Continue to expand our Ward Incentive Program to reward pro-social behavior.
- As agreed to in the Safety and Welfare Remedial Plan, work with national experts to develop strategies to safely integrate gangs and racial groups.
- Contract to train staff in Aggression Replacement Therapy (ART) and ensure that ART groups are ongoing in every living unit.

- 16. *How do you ensure safety from gangs and violence so that youthful offenders will feel secure to participate in treatment programs?***

It is essential that DJJ youths feel safe to participate in treatment programs. We must take a multi-disciplinary team approach to enhance their safety. The implementation of a risk classification strategy; development of a specific gang intervention strategy; providing skills training to youth for alternatives to violence; intensive and continuous

staff training in a variety of skills, such as motivational interviewing, ART, conflict resolution, mediation, and verbal de-escalation; the increase of incentives and rewards for positive behavior; the use of behavioral contracts with pro-social expectations; and refinement of the Ward Incentive System should have a positive impact on the ability of youths to safely participate in treatment programs.

Some additional steps to meet this objective include implementation of our Integrated Behavior Treatment Model; reduction of the size of living units while increasing our staffing ratios; separation of youth into high and low risks living units; implementation of our Case Manager program to facilitate treatment team involvement and oversee each youth's individual rehabilitative treatment progress; improvement of our re-entry efforts; and promotion of family involvement in the youth's rehabilitation treatment process.

Herman G. Stark Youth Correctional Facility

Herman G. Stark (Stark) Youth Correctional Facility in Chino is the division's largest facility, with 779 youthful offenders, as of December 2006. The facility has a budget of \$78.6 million, with 872 employees. Earlier this year, the Office of the Inspector General (OIG) found a number of management deficiencies at Stark. One key issue was a failure to inspect rooms of youth who were allowed to cover their windows (referred to as "posting up") in violation of various rules. This issue, which is considered dangerous because it prevents staff from seeing inside the rooms had been noted in previous reports and was a factor in the most recent suicide at the N.A. Chaderjian facility. The Inspector General cited other problems at Stark as well, such as isolation of youth in their rooms for long periods of time and inadequate delivery of services, such as education.

- 17. Please describe the status of the division's efforts to respond to the Inspector General's report. How do you ensure that youth's rooms are regularly inspected? What steps have you taken to prevent youthful offenders from covering their windows at Stark and other facilities?**

First of all, I am very pleased with our overall response to the OIG Report. The following is the status of corrective action steps.

- **21/3 confinement:** I issued a new directive on our expectation that youth will receive a minimum of three (3) hours of time outside of their rooms on a daily basis. To reinforce this expectation, I have a Program Manager report to me on a weekly basis the status of the institutions compliance with this mandate. If, for any reason, an institution fails to meet this expectation, a corrective action must be submitted for my review and approval. This has been a personal priority for me.

- We have eliminated the stepdown program on the U&V living unit at Heman G. Stark. We are separating high risk and low risk offenders and developing programs accordingly. All wards at Heman G. Stark are involved in a program designed for their risk level.
- On the critical ward sexual misconduct finding, we will be issuing a new policy responding to ward sexual misconduct. The new policy will mix appropriate levels of sanctions (criminal prosecution) with treatment intervention for those youth who can be best served by mental health and special counseling referrals.
- We have corrected our deficiencies in the administration of the Treatment Needs Assessment.
- We have replaced all the video cameras that were cited in the OIG Report.

With respect to room inspections, it is the responsibility of the unit manager to complete daily review of the room inspection logs. The unit Manager provides monthly reports to the Superintendent. Lastly, I have a divisional Manager complete quarterly audits of the Special Management Programs including the review of the daily inspection logs.

Lastly, I reissued to all facilities a procedural memorandum related to youths covering their room windows. The memo clearly articulates that no youths are allowed to cover their window and no staff can allow a youth to cover their window. I am pleased the results of a recent accountability audit at N. A. Chaderjian noted the institution had fully implemented this procedure. This was a critical finding in light of the Maldonado suicide at N. A. Chaderjian Youth Correctional Facility in August 2005.

18. *What internal systems has DJJ put in place to monitor and address custody and treatment problems such as these as opposed to waiting for an external audit conducted by the Inspector General or court monitors?*

We are working on a series of internal monitoring systems. We have asked the CDCR Office of Audits and Compliance to complete a series of audits that are beneficial to DJJ. Currently, they are conducting an audit on P.C. 290 Registration. We supplement this effort with Juvenile Facilities audits of Ward Grievance, DDMS, conditions of confinement for our Special Management Programs, Departmental Force Reviews, Substance Abuse Programs, and religious programming. These are examples of ongoing reviews meant to gauge institutional adherence to DJJ policies. I also maintain an open communication line with our CDCR Ombudspersons. They provide me with vital information regarding areas that require improvement.

In the future, we expect to devote more resources to audit processes as part of our reform efforts. Most importantly, I have a daily expectation of my subordinate Managers and Superintendents to actively review their daily operations and to initiate any and all corrective actions.

Policy and Training

The national experts who last year studied the Division of Juvenile Justice said that over time California's juvenile facilities had come to reflect miniature versions of the adult prisons. They recommended that a "firewall" be established between the adult and juvenile systems in certain areas, including policy and training. Additionally, they noted that significant changes were needed to improve organizational capacity and institute an appropriate management culture.

- 19. *What changes have been instituted to address the concerns raised by the national experts regarding the need for a "firewall" between adult and juvenile policies and training? What improvements have been made regarding organizational capacity?***

It is true that at the time the California Youth Authority was merged into the California Department of Corrections and Rehabilitation, there was considerable concern that adult policies would permeate all segments of the juvenile organization. As we have worked with our counterparts in the adult division and matrix units, there has been an increased recognition of the unique nature of Juvenile Corrections.

When SB 737 was passed by the Legislature and signed by the Governor, the bill mandated a separate Division of Juvenile Justice to be headed by a Chief Deputy Secretary who reports directly to the Secretary/Undersecretary. In addition, Secretary Tilton has provided DJJ with an Administrative Support Unit to assist us with our administrative and support functions so that we can efficiently respond to the Farrell mandates. We have the clear support of Secretary Tilton and Undersecretary Prunty to develop those policies, procedures, and training which are unique for DJJ.

While there are some areas of department training that applies to both the Adult and Juvenile sides of CDCR such as personnel matters, there are other areas where the training needs of the Adult side differ from DJJ's mandates and needs. DJJ has hired a program development team, who will be responsible for providing DJJ specific training on the new Integrated Behavior Treatment Model. In addition, DJJ is creating a cadre of staff trained to be trainers by external experts in evidence-based practices for dealing with our population.

20. *What training has been or will be implemented to help bring about organizational change and create a rehabilitation-oriented culture? What training has been or will be provided to supervisors and managers to improve the management culture?*

Upon my arrival in California, I found DJJ Administrators and Managers prepared to embrace our reform efforts. I consistently see reminders of the commitments made during the DJJ reform offsite meeting held in August of 2006. The enthusiasm of the participants remains strong. The offsite effort has been enhanced by the ongoing Leadership Development Program which has been implemented on an agency-wide basis. The program is a collaborative effort between CDCR and the Continuing Education Program at Sacramento State University. All DJJ staff in leadership positions attend the Leadership Development Program.

The Carey Group provided the foundational overview for organizational change, to a large group of DJJ Management and multi-disciplinary facility teams. DJJ has been creating the infrastructure to provide for more data driven practices, through the implementation of PbS, and COMPSTAT.

Twelve staff have been trained as trainers for Safe Crisis Management and have begun training other staff. During the month of July, 132 staff from the southern part of the state are scheduled to attend Safe Crisis Management and another 132 from the northern part of the state will attend the training in August. Twenty-four staff have been trained as trainers for Facing Emergencies and Reacting. They too, have begun that training for staff. Training has begun for Motivational Interviewing and more has been scheduled. Training is being scheduled and coordinated for Stages of Change, Principles of Effective Intervention, and Evidence-Based Practices.

Even though we have trained or are in the process of offering training, I want to be clear on the need for intensive and continuous staff training and support. As we continue to train and support staff in the various expectations related to reform, I believe staff at all levels will embrace our reform initiatives. However, change requires time and continual coaching and mentoring. From my experience, most staff enter the juvenile corrections arena believing they can change lives. DJJ staff certainly exhibit these beliefs. They first need training in how to do it.

Outcomes

As part of the Farrell lawsuit, DJJ committed to implementing Performance-Based Standards, a nationally recognized performance management system with over 100 outcome measures for juvenile correctional facilities. One of the benefits stated about PbS was that it would allow California to compare itself to other states.

21. *What is the status of the PbS implementation?*

We are rapidly moving toward full implementation of the PbS program. We have subscribed to the PbS formal program and entered into the candidacy stage. Three staff were hired at Headquarters to oversee the PbS implementation and each institution has hired a PbS Coordinator who is the point person for this task at their respective facility. We have conducted numerous training and coaching sessions for our institutional staff. In April, we completed our first formal data collection session. This is the first step in the formal implementation of the PbS system. We must have two trial reporting periods, April 07 and October 07, before we can have our first nationwide baseline.

Even though we are in the candidacy stage of PbS, we have already recognized its value. We see that not only we will be able to track trends and identify areas for improvement but also celebrate our achievements. Already PbS has provided us with a set of clear definitions for the data we track. To insure data reporting consistency, we have incorporated the PbS definitions and some of the standards into a number of our internal reporting processes such as our quarterly COMPSTAT reports.

22. *Are there any preliminary results that would indicate how California measures against other states?*

While the data is preliminary and we are continuing to refine our data to meet the PbS definitions, early analysis of the collected data shows that we are below the national average rate for injuries to youths by other youths by 25 percent; our rate for suicidal behavior is six times lower than the national average; our rate of assaults on staff is 75 percent lower than the national average; and our use of lock-up is 1/3 the national average.

Again, these data are preliminary. As we continue to collect the data, and can compare with prior data, we will have a better idea of the things we do well and those areas where we need to improve.

Senate Confirmation
Responses to Senate Rules Committee Questions
Susan C. Melanson, Commissioner
Division of Juvenile Justice
June 29, 2007

Statement of Goals

The commissioners who hear juvenile matters are supposed to have a broad background to enable them to assess youthful law offenders and delinquents.

1. Please provide us with a brief statement of goals. What do you hope to accomplish during your tenure on the board? How will you measure your success?

- Create additional appearances for wards on parole to improve their opportunities for success. I would invite parolees to come in to the local parole office and report on how well they are doing, or if needing support/encouragement, to provide that as well.
- Assist in developing & identifying specific research-based standardized programs that are consistent in all Division of Juvenile Justice (DJJ) institutions and parole offices.
- Provide training communication, coordination and collaboration with county agencies, i.e. Probation, District Attorney, Public Defender, & courts regarding how DJJ provides programs for incarcerated youth and how the Board of Parole determines parole readiness. Including local parole offices will ensure that collaboration opportunities are created. This is a high priority as there is currently little to no information flowing between these entities. As Commissioners, we do have contacts and credibility with local agency administrators and the courts.
- Continue to raise the bar of expectations. I believe we can do more for many wards who have capabilities.

I will measure my success by talking directly with our wards, parolees, and staff to ensure they are seeing more opportunities for success. I will continue to visit parole field offices, visit with wards in the visiting hall and at their units during program delivery. These are opportunities for me to gauge how well we are doing. I will also utilize the data collected, under the reform, as a measure of our success or failure. I embrace change and have expressed to Deputy Secretary Warner my interest in participating in the program changes now underway to the extent possible as a Commissioner with a full time hearing calendar.

Senate Rules Committee

JUL 1 2007

Appointments

2. *What in your professional background do you think has prepared you to evaluate the parole readiness of youthful offenders?*

I came into this position with a strong background in helping children at risk through social services/mental health and with law enforcement/courts. I became an Advocate for child victims of sexual abuse in 1980. At that time, newspaper articles about property crimes were commonplace and Judges were giving some lengthy sentences for those crimes. At the same time, child molesters were given probation and time served in county jail! The disparity was so overwhelming that I sought an outlet to become involved in making a change in the way our criminal justice system treated crimes against children. I found an international organization, Society's League Against Molestation (SLAM) who were volunteers working in our local courts and staffing a hot line for families and victims. I joined the organization and became the Vice President of Fund Raising. In addition to fund raising, this work took me into the courts where I provided a friendly face for young children testifying, monitored Judges and met with them, as appropriate, to educate them about the devastation these crimes caused the young victims. Deputy District Attorneys relied on our assistance with these victims, and began to request our services in cases before the court, as did case workers in Child Protective Services. I also worked the hot line to provide guidance, reassurance, and referrals for counseling, victim services and more to families struggling to deal with this horrendous crime against their children. Many Defense attorneys viewed our organization with disdain as we successfully changed probation into state prison sentences. Therefore, it was imperative that we knew the law as it pertained to these cases. As a result, I have a lengthy history with the judicial system and the professionals within that system.

I later worked in political campaigns, and was a Field Representative to the 4th District San Bernardino County Supervisor for 12 years, specializing in children's issues. My expertise with the County Department of Children's Services and with the Juvenile Court system proved valuable to our constituents as well as assisting the Supervisor in policy issues. I worked extensively with community based organizations, county agencies, city staff and elected officials to create community collaboratives, thereby enhancing services to the residents of San Bernardino County. This required knowledge of all agencies and their programs; from social services, faith based, mental health, to parks and recreation/teen services.

In 1998 I became the Assistant Network Officer for Children's Network, the Inter-Agency Council for San Bernardino County. A County Grand Jury investigation in 1984 found that children at risk were served poorly by a disconnected system in County government; Children's Network was created to provide links between county agencies serving this at-risk population. This agency is responsible for "communication, coordination and collaboration" to ensure gaps and overlaps in services are eliminated. Children's Network is a leader in the state and has served as the model for legislation requiring an interagency approach in every county of California. As the Assistant

Network Officer, I developed a Child Abuse Prevention Campaign that remains a model for other Child Abuse Prevention Councils across our region and state. I also developed additional Community collaboratives to better serve residents throughout the County, with a focus on at-risk youth and their families. In this position I worked directly with Probation, District Attorney, Sheriff, Behavioral Health, Social Services, County Superintendent of Schools, Juvenile Presiding Judges, and Grand Jury members to ensure service delivered was complete. I also chaired the 5 Southern Counties Child Death Review Team to coordinate with local County Teams and to identify training and policies necessary for appropriate investigation into child deaths. This group covers the counties of San Bernardino (lead agency with a state grant), Riverside, Imperial, San Diego & Orange.

Other service includes: member, Board of Directors for United Way, West End Family Counseling (Chairman for 8 years), Youth Accountability Board, Family Solutions Agency (a school based collaborative), Ontario/Montclair and San Bernardino City School District School Attendance Review Boards (SARB) and Court Appointed Special Advocates (CASA). As a result of these experiences, I have developed professional knowledge in areas that assist me in determining parole readiness.

Wards with mental health issues pose a very challenging decision for the Parole Board. I have, on multiple occasions, spent time with other hearing officers in executive sessions to discuss these wards' special needs. It is my intent to provide appropriate placement opportunities to these wards and to limit their in custody time, if possible, as custody does not generally help these wards to improve. This, however, must be weighed along with public safety.

Training and Policies

Pursuant to SB 737, new commissioners are supposed to undergo a minimum of 40 hours of training within 60 days of appointment and annually thereafter.

3. Please describe your initial training, including content as well as whom provided the instruction and the length of the training.

My initial training was conducted in Sacramento and included experienced Commissioners, retired annuitants, DJJ staff, Board of Prison Hearing (BPH) executive staff, parole agents, institutional staff and board hearing officers. I was provided with binders containing materials to ensure all regulations are followed; sample documents, a current penal code book, and many other materials that I read and keep on hand for reference during hearings, if needed. I review the materials as an ongoing training and provide current information and documents to other hearing officers as appropriate. Instruction also included observing actual hearings and in depth discussions about different types of hearings. I spent several weeks attending all types of hearings with

multiple instructors and I conducted hearings with those trainers prior to my current assignment in Southern California. Areas covered in this initial training included:

- Witnesses; definitions of confidential and fearful witnesses, criteria, procedures & testimony;
- Objections during hearings;
- Valdivia regulations on due process;
- Title 15, S.B. 459, California Youth Authority, PBD Extension Training;
- Appeal Training;
- SB 737 (Re-Org) Dept. of Corrections and Rehabilitations;
- Morrissey Revocation Hearings;
- Ward treatment and training;
- Local calendar; annual reviews, corrective action plans, discharges.

The comprehensive training in Sacramento included over 100 hours, over a 4 week period, and continued in Southern California with Commissioners/ Retired Annuitants. I have also taken many hours to visit parole field offices and placement facilities to which we parole our wards. Having knowledge of programs, I feel I can adequately assess those visited. I toured facilities and programs in the north as a part of my training, allowing me a broad representation of DJJ facilities, state prisons, and community based facilities. With this information, I can better serve the youth during hearings and make appropriate recommendations for parole. This position requires ongoing research and training. I have taken an active role in identifying topics and programs for board trainings at our monthly meetings. In the past, training was conducted during special meetings. We now receive ongoing formal training monthly in conjunction with our board meetings, and we are considering dedicating one day per month off calendar to acquire informal/field training.

4. *What type of guidance have you received on the most effective strategies for dealing with youthful offenders, victims, witnesses, and attorneys while conducting a hearing?*

I have received much guidance in these areas, both during my initial training and in subsequent on the job experiences. I have met with parole officers, victim services representatives, and also received much guidance from other Commissioners, Retired Annuitants, and board hearing officers on what works and what doesn't work from their experiences. My initial training offered comprehensive input in these areas and I continue to utilize those materials and suggestions in the hearing processes. My experiences have provided me with strategies for hearings:

- Youth Accountability Board are volunteers who conduct hearings for juvenile first time offenders with minor infractions. The offender appears before the board with a parent and is asked why they committed the offense. After some discussions, the Board makes a determination about the youth's infraction and either accepts the referral and enters into a contract with the youth, or rejects the referral, sending it back to probation for formal action. The volunteer board consists of leaders in the community who share strategies for handling cases;
- SLAM required skills in working with attorneys, judges, officers of the court, and acting as victim advocates, as well as making appropriate referrals for treatment;
- School Attendance Review Boards involved conducting hearings, weighing the parent's responsibility with the student's accountability.

5. *When you consider parole eligibility for a youthful offender, how do you determine whether he or she has been adequately rehabilitated? How do you assess the quality of programming the youth has received? Are there uniform criteria used by all commissioners and hearing officers?*

I conduct a very thorough hearing in parole consideration. I ask the ward to give a complete accounting of the most recent offense, and after a discussion, we move to what they have accomplished while in custody. The treatment teams in the institution determine the ward's needs for programming which may include, substance abuse, gangs, victim awareness, parenting, anger management and more. I find that a youth who is parole ready and who is truly rehabilitated will demonstrate during this discussion they have internalized the treatment. This usually involves emotion while talking about family and/or victims; however, some wards attempt to manipulate emotion to gain sympathy from the board. This generally fails. When a ward "tells the board what they want to hear", they have not internalized and are in need of further treatment and training. Accepting full responsibility for their bad choices plays a large part in rehabilitation. The ward must also have a detailed parole plan that will reduce the opportunities for down time if they hope to parole. Too often when I conduct violation hearings, the parolee states, "I had too much time and got bored and went back to my old ways". Therefore, they must not tell me they will "get a job, go to school and attend my programs"—this is failure waiting to happen. Additionally, I study the staff/clinical reports, disciplinary documents, mental health assessments or need for such, law enforcement/D.A responses, education, nature of offense and the ward's initial contact with the system; was it due to child abuse issues, gang infested neighborhoods, family criminal backgrounds, etc. I also look at the programs available to the ward supporting his/her transition back to the community. Finally, when the parole plan includes placement with a non-supportive family that resulted in the youthful offender's current situation, I request consideration of a transitional placement to improve the chance for a successful parole. This is especially true for gang infested neighborhoods in high crime

areas where communities are working with cities and counties to change those dynamics, and for youths with serious substance abuse addictions.

I visit programs within the institution and at parole offices to assess the quality of programs offered to our youthful offenders, and I have requested and received copies of the journals and handouts used in the programs. This is an ongoing process for me.

All commissioners and hearing officers utilize the criteria outlined, however, each hearing officer is unique and offers their own individual perspective during the hearing. Now that all hearing officers are receiving ongoing training with the board, there is more consistency in our hearings and discussions. This has been very productive. Our executive sessions are often a time to "train" one another based on our unique backgrounds.

6. *What factors do you consider when determining whether or not to revoke a youth who is on parole? Are there uniform criteria?*

There are uniform criteria for revocation hearings and I follow the criteria carefully. First and foremost, I look at the violation and determine if there is a risk to public safety and/or need for additional facility programming to reduce risk and provide further rehabilitation. If the ward doesn't pose a risk to public safety, I consider the need for additional community based treatment and/or adjustment in parole conditions to address behavior.

7. *How often do you observe program delivery at DJJ's facilities? Specifically, which programs have you observed?*

I have observed several programs both during my initial training and since that time. I have observed substance abuse programs at the institutions, the Parole Violator Program (IMPACT), the Victim Awareness, and at a parole office I observed a sex offender counseling session. I intend to request one day each month to allow time to observe other treatment programs throughout our southern region. I have also visited group home placements, received the treatment outlines, have attended sex offender training conducted for treatment staff as well as victim's rights trainings. I routinely discuss these topics with parole staff during my assigned work at the parole office and find the discussions most helpful.

Also helpful to me in this area is my background planning a major conference. I screened programs and community based agencies for presentations at the San Bernardino Children's Network Annual Conference; the topic related to child abuse, prevention and treatment. Our attendance was 600-700 attendees and up to 30 workshops were offered over the 2 day conference.

Farrell Lawsuit

In 2004 the administration reached a landmark settlement in the Farrell lawsuit on the conditions of confinement in juvenile facilities. DJJ is required to implement a broad array of reforms, including smaller living units, increased safety, and improvements to education, health, mental health, and other treatment services.

8. How are you kept abreast of developments in the Farrell lawsuit, including implementation progress?

We are fortunate to have as our Executive Director a former Commissioner, Chuck Supple. We have informative monthly board meetings and receive comprehensive updates on this and other issues from Chief Deputy Secretary Bernard Warner, Mr. Supple and other staff involved in the negotiations. We also have a legal briefing in closed session following each monthly meeting.

9. What is your understanding of the timeline for Farrell implementation? When will wards who have undergone the treatment regimen prescribed by the settlement begin appearing before you?

The Farrell implementation is scheduled to be phased in over a four year period. Some components of the Plans will be implemented across all facilities, while others will be implemented one facility at a time, as a facility is phased in. The Integrated Behavior Treatment Model will be comprised of various components. Each of the components is dependent on contracts and training and implementation. It is my understanding that the contract for the development of the Integrated Behavior Treatment Model, the Risk/Needs Assessments, the various interventions related to reducing recidivism, and the training and quality assurance components were finalized at DGS on June 30, 2007. Contract work was scheduled to begin as of July, 07. The first phase will be to implement the risk/needs assessment. Not yet knowing which facility will be phased in (based on population changes with the non-707b) [non-violent], in what order, it is difficult to predict when youth will appear before the board, who have completed the full treatment model. However, youth will be assessed with the Risk/Needs assessment during the 07/08 fiscal year. The results of that assessment will provide the board with the risk to re-offend, and the specific risk and protective areas. That alone, will allow the board member to assess where the youth is at in terms of risk, and whether or not the parole plan mitigates the areas of risk. It is my understanding that many of the interventions will be implemented in the 08/09 fiscal year, so youth releasing that fiscal year will also have the benefit of the new treatment interventions.

10. As part of the Farrell lawsuit, DJJ has committed to implementing a risk needs assessment which is designed to objectively assess an offender's risk to reoffend. What training have you received so far regarding this process?

We have received updates on the status of this assessment, and look forward to utilizing the document once it becomes available.

Parole Consideration Hearings

Hearings are conducted at youth correctional facilities and parole offices throughout the state. Commissioners may conduct eight or nine hearings in a single day. You conduct hearings primarily in Southern California.

11. Please describe how you prepare for a parole consideration hearing, including when the file is made available to you and how far in advance you read the file. Do you have any suggestions that might assist commissioners in preparing for a hearing?

I prepare by carefully reviewing the file before the hearing. When I became a Commissioner, I felt we needed the files days before the hearings to adequately prepare. However, during the hands-on training I quickly found that the information is compiled in such a way as to find relevant information quickly. The files are available when we arrive. Preparation for the hearing takes 20 to 30 minutes and is best done just prior to the hearing so that the information is clear and not confused with a previous case. We utilize standard information to prepare; the ward's commitment offense, staff/clinical reports, disciplinary documents, mental health assessments or need for such, law enforcement/D.A responses, education, nature of offense and the ward's initial contact with the system; was it due to child abuse issues, gang infested neighborhoods, family criminal backgrounds, etc. All hearings cover much the same information, but every hearing is different based on the ward's past. It is therefore important to have had a fresh look at the file moments prior to hearing the case.

Each ward is screened for disability. I suggest those results be prominently placed in the front of the file consistently at all institutions. This would ensure that wards with special needs are identified easily, and not during a hearing. I am happy that medical and psychological staff are attending the hearings as their input is important.

12. How do you balance the recommendations of a parole agent with your own determination of a youth's readiness for parole? How much weight do you place on the advice of the facility staff?

When I first became a Commissioner, I asked many questions about the recommendations and took executive sessions routinely to talk with my colleagues prior to making a motion. After nearly one year, I find that I know which parole agents coach wards to give a thorough presentation, and who have worked with the ward to prepare a detailed parole plan. I give much weight to advice that addresses issues the wards need work on; but do not accept staff's recommendations as the sole reason for my decision. I must be able to make an independent determination based on the criteria mentioned in response to question #5.

13. When you recommend that a youth be sent to a particular treatment program as part of their parole plans, how are you informed about the availability and quality of these programs?

When the board is requesting a particular type of placement, we are advised by staff if they have attempted to secure placement at that facility/program. If they haven't, I request they consider the particular treatment program, and give the direction for that program or "another comparable" placement/program. There are times it is appropriate to make this request. As to the quality of the programs, I visit the program sites; talk with fellow board members, parole staff and program administrators.

CSAS

The Comprehensive Adult Student Assessment System (CSAS) is a system that measures a youthful offender's functional skills in reading and mathematics. It is used in hearings to determine whether a youth needs to be represented by an attorney.

14. How far in advance of a hearing is the test administered and how recent, in your experience, must it be given to be a useful indicator of competency?

This area is undergoing change at this time. There has been some inconsistency in the past regarding the timelines for this testing. Six months is a reasonable timeframe and education is working on this issue. I don't find any single criterion is sufficient to measure the youth's functional skills. I look at the file, talk with the treatment staff or PA, and talk with the ward before making my determination on his/her functional skills. Comprehension during this initial discussion is a large part of my determination on each case.

15. Is there a specific cutoff score for determining whether the youth needs an attorney?

Yes, we have been advised 4th grade as the cutoff per the Valdivia decision that addressed procedural due process

16. Commissioners are responsible for annually reviewing every youth's progress. What are the benchmarks you look for in the process? What additional information would be helpful to make this assessment?

We look for active participation in all treatment programs, involvement in education unless there is an exception that is clearly defined, whether they are showing empathy for victims, minimal disciplinary write ups, and if they are demonstrating an ability to avoid peer pressure. We also talk about any employment or vocational training they are/have been participating in. Physiological evaluations are also helpful when they are appropriate. If they are on parole, I look at the community service, restitution status, employment, any corrective action plans that were issued during the year and independent living issues. If he/she is a parent, completion of a parenting class is an important benchmark.

Time Issues

The Division of Juvenile Justice has a disciplinary system through which additional time can be added to a youth's parole consideration date. Youth can appeal these "time adds" to the board. A team of national experts who reviewed DJJ last year recommended that the system of "good time" be enhanced so that youths who participate in programs and stay out of trouble can earn back their disciplinary time and be considered for parole earlier.

17. In your experience, what are the primary factors that cause increases to a youth's parole consideration date? Should action be taken to address these issues? If so, what would you recommend?

I find most of these time increases are directly related to gang issues and the peer pressure that comes with gang involvement. Many of the gang members are now targeting staff in the facilities because they receive little consequence for these actions. This is of serious concern to the entire board and we are anticipating change in this area as the legislature address these most serious incidents on all fronts. We can help by beginning conversations with appropriate county agencies. Communication, coordination, and collaboration is a good start. I hope to see new charges leveled for the gang incidents; only then will the wards begin to think before they act.

18. How do you factor in "good time" or positive behavior? Has the board discussed its approach to this issue?

We look at the history and consider all of the ways the ward has earned the time cuts. We encourage wards to work on time reductions during the appeal process and/or during their annual reviews. Facility staff are very good at identifying positive change and we are happy to reward those wards who have actually made progress in this area. The only time the board is reluctant to give a time cut are those times when the commitment offense was extremely serious and victim's rights issues must be considered.

Parole Revocation Hearings

Under a federal court agreement, in a case known as Valdivia v. Schwarzenegger, adult parole violators have the right to counsel and other due process protections in parole revocation hearings. Now a class action civil rights lawsuit has been filed on behalf of juvenile parolees arguing that they should have similar rights when the state seeks to revoke their parole.

19. Understanding there is a pending lawsuit regarding juvenile parole revocation; do you believe that changes need to be made in the revocation process? If so, please describe what those changes should be.

While there are many worthwhile issues on the table in the juvenile parole revocation class action lawsuit, it is in litigation and mediation and so I will refrain at this time from making a specific comment.

20. How are you informed about the availability of alternative sanctions when considering parole revocation? Are there additional programs that you think should be available?

My initial training covered these and I have information and guidelines in my binders available to me at all times. Also, the parole staff presenting the case will have knowledge of other options and make those known in their report. If I have questions, I also may take an executive session to discuss options with the Board Coordinator clerking the hearing. These individuals are very knowledgeable about parole sanctions.

Domestic Violence is a very important program that is not currently offered at our institutions. Most of our youth have anger issues, and many of them are victims of violence in the home.

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1. Please provide us with a brief statement of your goals. What do you hope to accomplish during your tenure as a member of the California State Teachers' Retirement Board? How will you measure your success? Please be specific.

First and foremost, as a trustee of the California State Teachers Retirement System (CalSTRS), I intend to serve as a careful steward of the pension fund. I will closely evaluate our investment strategy to ensure that it yields the maximum return. Importantly, I will also be mindful of selecting vehicles that ensure the long-term viability of the fund.

Secondly, I believe that it is essential that the board operates in a fully transparent manner, with a progressive and vital approach to governance. CalSTRS must continue to serve as a national model of ethics and due diligence in the field of institutional investing. I will discuss this item more fully in # 12.

Thirdly, I believe that we must constantly review the design of our benefits and services. We do not want to discourage strong educators from leaving the classroom. Much of this conversation relates to items such as the Social Security penalty on California teachers and the 70 % of our retirees that do not have adequate health insurance. As the nation's second largest public pension fund, CalSTRS must continue to play a role in these and other like conversations.

Fourthly, as a major institutional investor that draws its influence from educators, CalSTRS, in accordance with its other policies and guidelines, should continue to encourage ethnic and gender diversity in the money management field.

Lastly, I think that the CalSTRS board must continue to track the system's actuarial assumptions. The unfunded liability must be addressed. In order to resolve this issue, we must make sure that the conversation involves all key stakeholders and is solution-oriented. I will address this item more fully in # 13.

2. What do you believe are your qualifications to serve on this board sitting in a "public member" seat?

I have been a classroom teacher for more than a decade and for many years managed a training program for college students interested in pursuing urban teaching. Previously, I served on the legislative staff of United States Senator John Chafee, working on children's welfare, education, and ethics issues. At that same time, I was a founding board member of United States Senator Jim Jeffords' foundation to combat illiteracy and high dropout rates in Washington, D.C.

I understand the essential compromise that every teacher makes. We answer a call to support young people knowing that it may mean a financial sacrifice on our part. I deeply respect this profession and know that a healthy retirement plan is key to attracting and retaining the best for California's classrooms.

Senate Rules Committee

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It may also be of interest to the Committee to know that I come from a family of teachers. My mother was a community college instructor for more than a decade and I appreciate and understand the hard work that these professors must grapple with. My father was chairman of our town's board of education and my grandmother taught public middle school for 42 years.

Finally, I have spent more than a decade working on governance and ethics issues. In addition to my previous work with Senator Chafee, I serve on the state board of California Common Cause, an important contributor to our state's ongoing dialogue on government reform. Additionally, during the mayoral administration of Jerry Brown, I served as vice-chairman of Oakland's Ethics Commission and as chairman of our city's Sunshine Ordinance Committee. I believe that all of these experiences have shaped a perspective that will be helpful to the board of the California State Teachers' Retirement System.

3. What do you believe is the most important responsibility of a state Teachers' Retirement Board member?

The California Constitution clearly outlines the responsibility and duties of a member of the teachers' retirement board. We must operate "solely" in the benefit of our current and future members. I take this responsibility very seriously and hope that my current service on the board reflects this view.

4. What training have you received from staff or others to assist you in deliberating often complex STRS issues?

I attended a rigorous two-day seminar on serving as a fiduciary of CalSTRS. This training was facilitated by Ennis Knupp and provided a comprehensive review of the history of CalSTRS. It also included a briefing from our outside actuaries on the health of our benefits structure. I have been very pleased with the accessibility of our senior staff at all times.

5. How do you make an independent judgment about the actuarial studies presented to the board? How do you decide your confidence level in actuarial information generally?

I am very confident in the actuarial information presented to our board. CalSTRS operates at the highest level of due diligence by ensuring that the board has its own consultants, independent of the staff. This model has worked effectively in determining actuarial assumptions. Our actuary consultant, Milliman, has a stellar reputation. The firm's assumptions have been scrutinized both internally and externally at CalSTRS.

6. Based on the information you have, what do you believe is the best option for addressing the unfunded liability? How did you reach your conclusion?

In June, Milliman revised its estimates of the unfunded liability to \$21.4 billion. During my tenure on the board, I have noted that all 12 members are committed to resolving our looming unfunded actuarial obligation. It appears to me that there is consensus that we must find a solution that does not unduly burden our beneficiaries, school districts, or the general fund. Having said that, there is also recognition that all stakeholders must contribute in order to solve this problem.

In December of 2006, our board heard a staff recommendation to achieve full funding. This formula suggests a gradual increase in the contribution rate from the state (1.5%), school districts (up to 13%), and members (0.5%). These increases would be temporary, until the system is fully funded.

7. The State Teachers' Retirement Board has considered a strategy to eliminate the unfunded liability, which, among other things, would give the California State Teachers Retirement System (CalSTRS) the authority to increase and decrease contribution rates. Current law requires that adjustments must be made statutorily. Where, in your opinion, should the authority to increase or decrease contribution rates be vested and why?

The CalSTRS proposal is certainly worthy of consideration. All stakeholders in the system--the teachers, the Department of Finance, the State Treasurer, the school boards and the public--have a voice on the board. Respectfully, I would like to continue to review this issue before taking a position.

8. How would you measure what is an adequate retirement benefit for the teachers of California?

After a lifetime of shepherding students through childhood and adolescence, teachers deserve to retire with dignity and comfort. Put simply, teaching is an essential job in our society. CalSTRS retirement benefits should reflect that truth. It seems to me that defined benefits are a very important part of the system. Importantly, I should also note that there is a diversity of retiree healthcare coverage, depending on the district. Any conversation on retirement benefits must incorporate the crucial issue of skyrocketing health care costs.

9. Do you believe a guaranteed retirement benefit is something that helps recruitment of teachers? Why or why not?

Yes, a guaranteed retirement benefit helps to recruit new teachers. Having said that, it is also important to note that if we are unable to resolve our unfunded liabilities within the system, it could have a detrimental effect on drawing new people into the teaching profession.

10. The Governor created the Public Employee Post-Employment Benefits Commission to propose ways to address pension and retiree health care obligations. What type of recommendations should this body offer that you would find most helpful to your work as a State Teachers' Retirement Board member?

Dr. Henry Simmons of the National Healthcare Coalition testified before CalSTRS at its June meeting. Dr. Simmons reminded the board that we have seen an increase of \$1 trillion dollars in health care costs since 2004 to more than \$2.7 Trillion annually. This growth is unsustainable. Middle-income retirees, such as teachers, will bear much of the brunt of these escalated costs. It is my hope that the Public Employee Post-Employment Benefits Commission will be able to wrestle with some of these prohibitive expenses. It is my understanding that members of the commission will be testifying before CalSTRS in the next few months. I look forward to engaging with them. Interestingly, CalSTRS has its own taskforce exploring retiree healthcare. That group is currently reviewing the viability of security accounts, monthly health allowances, medical purchasing power payments, and the Medicare Part B premium payment.

11. What would you find most helpful to come as a board member?

There are serious issues ahead for CalSTRS, such as the unfunded actuarial obligations, divestment, and healthcare benefits for teacher retirees. I have been very appreciative of the level of engagement that the Legislature has encouraged with the board on these serious matters and hope that communication will continue.

12. What are your views on the State Teachers' Retirement Board's corporate governance policy and its relationship to the board's fiduciary responsibility to its members?

It is my belief that good governance is a central part of being a responsible fiduciary. I am very pleased that CalSTRS is seen as a national leader on the issue of corporate governance. Our board believes that sound management of a corporation will lead to a healthy return for investors and the ongoing stability of the CalSTRS funds. This view has led us to oppose excessive CEO compensation and to push for independent directors and responsible use of stock-options. Further, we believe that there must never be an appearance of a "pay to play" atmosphere with public pension funds. As you know, we spent most of the past year tackling this issue and have recommended stiff penalties on those corporations who attempt to parlay political contributions into a new or expanded business relationship with CalSTRS. We recently refined our proposed changes to better reflect proposition 34 and to restrict the political motives of CalSTRS board members. All in all, these efforts have gone a long way toward enhancing the fiduciary responsibilities of trustees.

13. What long-range and preventive measures should public pension funds, such as CalSTRS, implement to reduce or mitigate the risk of catastrophic losses in the stock market?

It is evident that over the next few decades global warming and geopolitical instability will present major challenges to the market. CalSTRS senior staff and the board of trustees should be in frequent contact with other institutional investors around the country to review trends in the market. We are in an excellent position to contribute to this conversation, as Jack Ehnes is the president of the Council of Institutional Investors. It is important to note that CalSTRS already has shifted a portion of its investments into renewable energies and last year enacted a geopolitical risk formula to assist us in evaluating investments.

[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a multi-paragraph document with several lines of text per paragraph.]

EUNICE & HAL DAVID

e-mail: eunice@haldavid.com

To: Senate Rules Committee

From: Eunice David

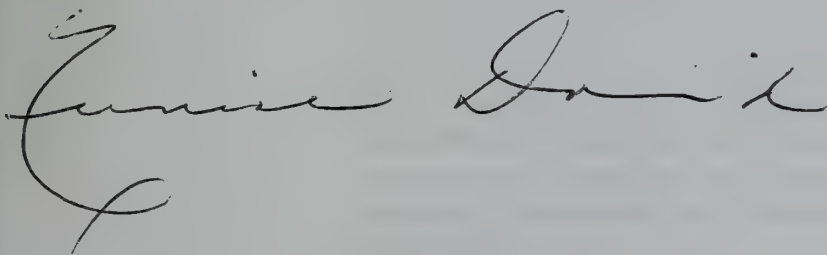
Date: June 14, 2007

Gentlemen:

Having served on the California Arts Council for the past several years, I believe that I have demonstrated my commitment to furthering the goals of the Council by my attendance at the meetings, my knowledgeable input into discussions as to what direction the Council should take, and my willingness to serve on committees which also further and strengthen the objective of the Council and of the State of California where it relates to the importance of the arts in education and in our lives in general.

If I am reappointed, I will continue to demonstrate my commitment to the Council and to the State of California.

Sincerely,



Senate Rules Committee

JUN 14 2007

Appointments

DAVID H. HALL

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DAVID H. HALL

June 10th, 2007

Nettie Sabelhaus
Appointments Director
California State Senate Rules Committee
Room 420
State Capitol
Sacramento, California 95814

Subject: California State Park and Recreation Commission Appointment

Dear Ms. Sabelhaus:

This correspondence responds to the questions requested by the Honorable State Senator Don Perata specific to the subject July 11, 2007 confirmation hearing and contained in the May 15th, 2007 letter to me. Additionally, per requested, this letter contains, as an attachment, an updated Statement of Economic Interests Form 700.

Question 1. What are your goals and objectives as a member of the State Park and Recreation Commission? What do you hope to accomplish during your term? How will you measure your success?

Each of us depends on the environment every day, often without conscious awareness of where our clean water comes from or how clean air is provided to us. A simple walk in a park brings respect to nature and provokes an awareness of the greater world beyond our concrete and steel. As a member of the State Park and Recreation Commission, my goals and objectives include:

In general,

- a. To provide cognitive awareness of our relationship to water, air, earth, trees, habitat, our rich cultural and geologic history, our future, and our relationship with each other.
- b. To continue maintaining parks, new and old, for all to access across all ages and all cultural and socio-economic groups. Inspire and campaign for more people to play in more parks more often, enabling hope and dreams that the world will be better, tomorrow for our children.
- c. Advocate and secure more urban passive parks, especially for traditionally underserved neighborhoods. Add more acreage to designated wilderness areas.

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And specifically,

- d. To partner with local communities and city/county governments, on financing, land use, development, and maintenance. Increase funding sources for operating and maintenance while not reducing the current general fund allocation.
- e. There is a war for talent and people resources; Park Rangers and other key staff need to be appropriately and competitively compensated. Retaining good employees is cost effective, responsible, and worth the investment.
- f. Leverage Assembly Bill 1548, which requires environmental education for K-12 students; e.g. partner with the Department of Education and local school districts, using State parks and Rangers as a vehicle and teacher for outdoor classrooms.

I hope to accomplish these goals within my term and will measure success by:

- a. increased number of urban park partnerships with local communities
- b. increased number of wilderness areas
- c. increased number of park users
- d. appropriate and responsible funding for operating and maintenance
- e. implementation of joint educational programs
- g. demonstrated sustainable conservationism from budgetary to eco-systems

Question 2. [in relation to the Sunrise Powerlink Project] Why do you think it will take over a year for the commission to determine if it has legal authority to act on the project. Has your legal counsel given a preliminary opinion as to your authority? Does your legal counsel's opinion differ from that of the Department of Parks and Recreation?

There may be some confusion on the issue; specifically, I believe our Commission Chair was referring to the California Public Utility Commission in his comments specific to the 2008 determination. At the hearing, I did inquire if there was any precedent for designating wilderness, and legal counsel indicated he had not found State or Federal case history regarding removing wilderness classification.

Question 3. Please provide a few examples of the general policies the commission has developed for the director during your time on the commission.

I was appointed at the end of 2006 and have attended three commission hearings. To the best of my knowledge, the commission has developed no policies in that period.

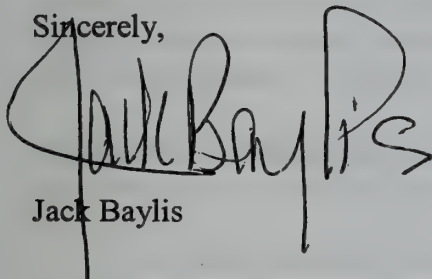
Question 4. How has the commission recommended that the issue of deferred maintenance be addressed? Has it communicated its position to the governor's office?

Per discussions and communication with staff and specifically, from the Commission's 2004/05 Annual Report to the Governor, the current deferred maintenance figure was listed as \$906 million. Deferred maintenance was explained to increase liability, health and safety risks, and construction costs, and responding to deferred maintenance is a top priority for California State Parks. The Commission successfully lobbied for the inclusion of \$90 million for the Deferred Maintenance Program in the department's 2006/07 budget (funds will be used on the most serious health and safety related maintenance projects first).

The Commission's 2005/06 Annual Report to the Governor (due to the Governor's office 7/1/07) includes: The department's infrastructure repair list includes more than 6,000 individual projects, the total cost of which is \$960 million. Construction costs rise as the list continues to grow, and responding to deferred maintenance is a top priority for California State Parks.

I hope the Senate Rules Committee determines I have answered the questions adequately and to their satisfaction. I will, gladly make myself available, for any further inquiry, clarification, or if I can provide any additional answers or perspectives. I appreciate the opportunity to serve the Governor, the legislature, and the people of California.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Baylis". The signature is stylized with a large, sweeping "J" and "B".

Jack Baylis

cc: State Parks and Recreation Commission
Governor's office

Caryl Hart

Hon. Don Perata
Senate Rules Committee
State Capitol
Room 420
Sacramento, CA 95814-4900

May 25, 2007

Dear Senator Perata,

Thank you for your consideration of the confirmation of my appointment to the California State Parks and Recreation Commission. I am writing to respond to the questions raised by your letter dated May 15, 2007.

Although we have never met, I know very well of your support and concern for the natural resources of California, and I share this concern. Since my original appointment to the Parks and Recreation Commission by Governor Davis in 2000, I have become increasingly more passionate about pursuing my goal of providing access to California's open spaces by the widening diversity of its populace. From the first days of my appointment, I have made this my priority. I am very happy to reply to your letter, and I am also gratified that you recognize the potential of the Parks and Recreation Commission to be a leader in protecting, enhancing and providing access to California's most significant natural and cultural resources. With increasing threats to parks ranging from toll roads to power lines to climate change, it is critical that the Parks Commission take a strong stand. I believe my record shows I have been a leader in this effort.

1. Describe my goals and objectives and means for accomplishing them during my upcoming tour, as well as the tools I will use to measure my success.

My intent is to help the Department to the full extent I am able to address the challenges and opportunities it faces from California's expanding population. New users from different backgrounds will likely require a different approach by DPR, whether this means expanding campgrounds to accommodate more groups, broadening the usual definition of parks to encompass open spaces within urban areas, or a focus on responding more directly to childhood obesity and the limitations faced by an aging baby boomer population. All of these things must become the focus of DPR, and I will work closely with Director Coleman and her staff to help in the planning and execution of these efforts.

In addition, DPR faces serious threats from California's rapid growth. Expanding infrastructure including toll roads, power lines, and highways pose significant challenges as parks are seen as the path of least resistance. The Commission must take a strong stand against these invasions, and do whatever is necessary to stop them. I have been and will continue to be a leader on the Commission in protecting our parks for the people of

this state, and I measure my success by my work with others to successfully prevent these projects to date.

Another great challenge is climate change. As I will discuss below, I am the chair of the Commission's subcommittee on climate change which will place DPR in a leading role among state agencies in addressing this threat. Our success will be determined by crafting a clear strategy for the acquisition and management of parks in a way that addresses the projected impacts of climate change, and potentially establishes individual parks as entities eligible for the provision of carbon and biodiversity offsets.

2. What have been my most significant accomplishments as a member of the Commission?

In my close to seven years on the Commission, I have done much for which I am proud. My accomplishments include a leading role in the acquisition of the 3500 acre Willow Creek expansion to Sonoma Coast State Beach, a perfect attendance record at Commission meetings during my entire tenure, my involvement in the passage of Propositions 12 and 40, my leadership as Vice Chair and Chair of the Commission in the adoption of many general plans for parks throughout the state, my attendance and involvement in staff meetings which acted as precursors to those plans, and my role in gaining the unanimous support of my fellow commissioners in the filing of a lawsuit to prevent the proposed toll road through San Onofre State Park. Since joining the Commission, I have returned to graduate school and am currently a Ph.D candidate at UC Berkeley where I am writing my dissertation on California State Parks' response to the climate change crisis. At the same time, I am working with Director Coleman and staff to craft a response through meetings with the California Climate Registry, non-profits and academics working in the field. I am currently planning a series of colloquia on the topic which will involve members of each community with the goal of drafting a white paper which will become the basis of proposed legislation.

3. The Sunrise Powerlink Project

I do not believe that the Commission must wait to take action on the proposed Sunrise Powerlink Project, and it was on my motion that the Commission went to San Diego to take public testimony and tour the Powerlink route. I am on record as strongly supporting State Parks' staff and our attorneys on this issue, and I believe that the Commission must act at the earliest possible time to address this serious threat.

We do not have separate legal counsel on the Sunrise Powerlink project, but are advised on the issue by Brad Torgan, State Parks General Counsel. Chair Shriver's comment with regard to the timing of the Commission's response to the proposed project reflected counsel's advice that the Commission would need to wait until the California Public Utilities Commission acted on the project and determined whether the State Parks and Recreation Commission is a responsible agency pursuant to CEQA, giving us legal authority to act. It is anticipated that the PUC will take approximately one year to make this decision. The Commission does not want to act in a preemptory fashion that would in any way compromise our decision-making ability if the PUC does determine we are a responsible agency.

4. Examples of general policies which the Commission has developed for the Director over the last one to two years.

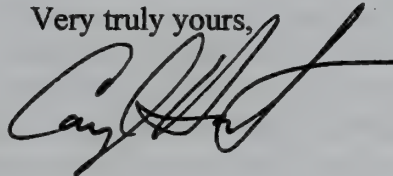
I have worked closely with Director Coleman on policies regarding recreation priorities for the state's changing population, on new methods of collaboration with land trusts and open space districts in the state, and most recently on a State Parks climate change initiative.

5. How has the commission recommended that the issue of deferred maintenance be addressed and has it communicated its position to the Governor's office?

The Commission strongly supported the Governor's general fund contribution in 2006 to Park's deferred maintenance, and strongly opposes the withdrawal of these funds in this year's budget. I believe that we should continue to communicate the importance of expenditures for deferred maintenance to both the Legislature and the Governor, and I attended the recent Parks Advocacy Day in Sacramento to argue in favor of the restoration of these funds to the budget and will continue these efforts till some relief is given for this serious problem.

I hope these answers are helpful and satisfactory responses to your questions. I would be more than happy to meet with you at any time if you have additional concerns, would like to discuss my support and vision for State Parks, or on any other issue related to my confirmation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Caryl Hart', with a stylized, flowing script.

Caryl Hart

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations. The text also mentions that proper record-keeping helps in identifying trends and patterns, which can be used for strategic planning and decision-making.

2. The second part of the document focuses on the role of the management team in overseeing the organization's performance. It states that the management team should regularly review the financial statements and other key performance indicators to ensure that the organization is on track to meet its goals. The text also highlights the importance of communication between the management team and the staff, as this helps in aligning everyone's efforts towards the common objectives.

3. The third part of the document discusses the need for continuous improvement in the organization's processes and systems. It suggests that the management team should encourage the staff to identify areas for improvement and implement changes accordingly. The text also mentions that regular training and development programs can help in enhancing the skills and knowledge of the staff, which in turn leads to better performance.

4. The fourth part of the document talks about the importance of maintaining a strong relationship with the customers. It states that the organization should strive to provide excellent customer service and meet their needs and expectations. The text also mentions that regular communication with the customers can help in understanding their feedback and making necessary adjustments to the products and services.

5. The fifth part of the document discusses the role of the finance department in managing the organization's financial resources. It states that the finance department should ensure that the organization has sufficient funds to meet its obligations and invest in growth opportunities. The text also mentions that the finance department should maintain accurate records of all financial transactions and provide regular reports to the management team.

6. The sixth part of the document talks about the importance of maintaining a strong relationship with the suppliers. It states that the organization should strive to negotiate favorable terms and conditions with the suppliers and ensure that they deliver high-quality products and services. The text also mentions that regular communication with the suppliers can help in understanding their needs and making necessary adjustments to the procurement process.

7. The seventh part of the document discusses the role of the human resources department in managing the organization's workforce. It states that the human resources department should ensure that the organization has a sufficient number of qualified staff to meet its needs. The text also mentions that the human resources department should provide regular training and development programs to the staff and ensure that they are motivated and engaged in their work.

8. The eighth part of the document talks about the importance of maintaining a strong relationship with the community. It states that the organization should strive to be a responsible corporate citizen and contribute to the development of the community. The text also mentions that regular communication with the community can help in understanding their needs and making necessary adjustments to the organization's activities.

9. The ninth part of the document discusses the role of the legal department in ensuring that the organization complies with all applicable laws and regulations. It states that the legal department should provide regular advice to the management team and ensure that all transactions and activities are conducted in a lawful manner. The text also mentions that the legal department should maintain accurate records of all legal matters and provide regular reports to the management team.

10. The tenth part of the document talks about the importance of maintaining a strong relationship with the media. It states that the organization should strive to provide accurate and timely information to the media and ensure that its reputation is protected. The text also mentions that regular communication with the media can help in understanding their needs and making necessary adjustments to the organization's public relations strategy.

PAUL JUNGER WITT

June 11, 2007

Don Perata,
Chairman
SENATE RULES COMMITTEE
State Capitol
Room 420
Sacramento, CA 95814-4000

Dear Senator Perata:

It is with great pleasure that I provide the Senate Rules Committee with written responses to the questions in your letter of May 15, 2007. Should you require any further information from me, I would be more than happy to respond either in writing or in person.

1. What are your goals and objectives as a member of the State Park and Recreation Commission? What do you hope to accomplish during your next term? How will you measure your success?

Our incomparable State Parks System faces the unprecedented challenges of a growing population and severe budget restraints. We are also entering an era where there will be continued pressure to violate the integrity of our parks by the need for new transportation and energy infrastructure. These challenges are formidable. As an experienced environmentalist, businessman and State Park & Recreation Commissioner, I believe I can utilize my skill set to protect, maintain and enhance our extraordinary parks system.

During my next term I would like to continue my efforts on behalf of urban parks and their connectivity to the greater parks system. This effort is of great importance as too large a percentage of our citizens do not take advantage of this great resource. Programs in which urban residents utilize local parks and then travel to parks outside their cities will provide not only great benefits to these individuals, but increase voter support for future bond issues.

Our parks are a unique natural, historical, cultural and economic resource. I will measure the success of my term by serving the people of California by protecting and maintaining their park system and increasing the use of our parks by a greater and more diverse number of its citizens.

Senate Rules Committee

June 11, 2007

Appointments

2. What have been your most significant accomplishments as a member of the State Park and Recreation Commission?

My most significant accomplishments as a member of the State Park & Recreation Commission include helping to guide the department through California's transition from budget surpluses to deficits, providing continuity of leadership and goals from the Davis administration to the Schwarzenegger administration, and by maintaining and protecting the greater parks system. Also, in chairing the Selection Committee, Los Angeles State Historic Park Design Competition, I was able to contribute to what I believe will be a world class urban park and a model for future state projects.

3. Why will it take over a year for the commission to determine if it has legal authority to act on the project? Has your legal counsel given a preliminary opinion as to your authority? Does your legal counsel's opinion differ from that of the Department of Parks and Recreation?

It is my understanding that the Chairman of the Commission was indicating that the draft Environmental Impact Report was scheduled for certification and California Public Utilities Commission action in early 2008, and only after that time could the project come to the State Park & Recreation Commission for discretionary action.

We have been given a preliminary opinion as to our authority by our legal council and at this time it does not differ from the Commission's opinion.

4. Please provide a few examples of the general policies the commission has developed for the director over the last one to two years.

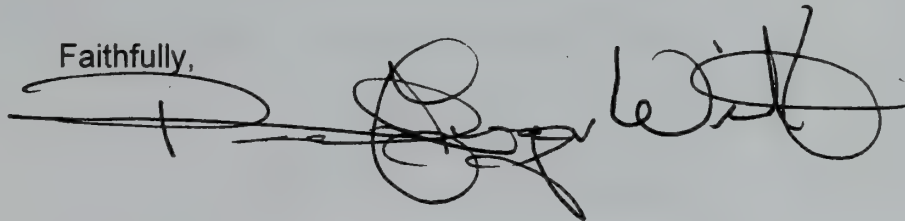
The Commission's last formal submission regarding general policy was 'California's Recreation Policy' approved in September of 2005. We are presently engaged in formulating policies regarding public access, appropriate land use, overall threats to parks from roads, powerlines, the effect of global warming and any necessary revisions regarding the administration, protection, maintenance and development of the state park system.

Senator Don Perata
June 11, 2007
Page Three

5. How has the commission recommended that the issue of deferred maintenance be addressed? Has it communicated its position to the governor's office?

The Commission lobbied vigorously for \$250 million for deferred maintenance in the 06-07 budget. We received \$90 million. Clearly, we are engaged in prioritizing our planning accordingly. This task will require great ingenuity and skill by the Department and the Commission but I am convinced that we can effectively deal with this shortfall until such time as greater funds are available.

Faithfully,

A handwritten signature in black ink, appearing to be "P. J. Wilson", written over a horizontal line.

cc: State Park and Recreation Commission
PJW/emb

Responses to Questions Posed in Senator Perata's Letter Dated April 6, 2007

- 1) Please provide a brief statement of your goals. What do you hope to accomplish during your term on the Horse Racing Board?

At the end of my three-year term as a member of the California Horse Racing Board, I am dedicated to seeing California being viewed as the premier thoroughbred, quarter horse and harness horse racing and breeding venue in the United States. In recent years, California has slipped from pre-eminence. With my background and experience in the horse racing industry, I will be able to work well with other Commissioners on the CHRB to accomplish this goal. More specifically:

- a) Amerman Racing owns 75 thoroughbred horses
- b) Amerman Racing has been a top ten owner in five of the past ten years (as reported by the Thoroughbred Times)
- c) Peacefield Farm, a lay-up facility in Temecula, California, is owned by the Amermans
- d) I currently serve on the following boards:
 - The Executive Committee of the Thoroughbred Owners and Breeders (TOBA)
 - The American Graded Stakes Committee
 - The Breeders' Cup
 - Member, The Jockey Club
 - The Winners Foundation
 - Tranquility Farm, a thoroughbred retirement facility in Tehachapi, California

In the past, I have served on the following boards:

- The Thoroughbred Owners of California (TOC)
- The National Thoroughbred Racing Association (NTRA)

Hopefully, the result of the CHRB's efforts will be that tax revenues from horse racing can be maximized in the state of California

- 2) How do you assess the future of horse racing in California? Is its financial future dependent on its ability to compete with gaming competitors?

I believe the future of horse racing in California is bright, assuming certain steps are taken by race track management and racing officials, supported by the State of California.

The challenge for California racing is not necessarily with gaming competitors but with other states (i.e., Delaware, Florida, Iowa, Louisiana, Maine, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island and West Virginia) where purses are supported by racinos. As purses grow substantially larger in other states, trainers who operate in those states will have little incentive to come to California with their horses. Even more importantly, trainers in California will be enticed to leave the State to go to locations where purses are supported by racinos.

It is important that the California legislature find a means to allocate funds to the racing industry from the casino compacts that will be approved in 2007. This short-term boost will enable California to effectively compete against race tracks in other states that are being supported by racino revenues.

The California racing industry must also help itself. The first step has been taken by the CHRB mandate to install synthetic surfaces at all race tracks that have meets longer than four weeks starting in 2008. Beyond this, race tracks must be aggressive in finding ways to increase their advertising and promotional activity to bring new, and sometime, fans to the track. When the fans arrive, they must be treated with outstanding customer service.

When these steps are taken, the California horse racing industry, generating over \$4 billion annually and employing over 300,000 people, will grow.

The industry is too large to allow it to decline. Added support is needed from the Legislature and the industry's own internal development efforts.

- 3) Are there steps you would recommend to increase attendance at race tracks? What role should marketing play in the effort to increase attendance and revenues?

Marketing (i.e., advertising and promotion) is an important factor that will lead to increased on-track attendance and revenues at California race tracks. In the past, when attendance and handle declined, some tracks have reduced discretionary spending as a means to shore up "the bottom line". This approach is shortsighted and doomed to continuing attendance/revenue declines.

The power of advertising was never more evident than on Santa Anita Derby Day (i.e., April 7, 2007). In the lead-up to the Derby, there was a blitz advertising campaign coupled with a free tee-shirt giveaway. The result was that 56,810 customers were in attendance at the track, the second highest attendance figure in the history of the Santa Anita Derby. Advertising works!

With a 40-year career in consumer advertising, I am able to review marketing plans and quickly determine the quality of the programs. When I attended my first CHRB meeting in July, 2006 I was disappointed by the lack of marketing effort exhibited by race tracks. Probing questions about the plans that were submitted and suggestions about how the marketing programs could be improved has resulted in much stronger 2007 marketing programs that have been developed by the race tracks.

- 4) What are the areas of disagreement in the gaming industry over the advanced deposit wagering system? Do you believe advanced deposit wagering reduces attendance at race tracks?

When advanced deposit wagering (ADW) was initiated in 2002, the hope was that increased revenues from out-of-state wagering on California thoroughbred race signals would result in higher purses. The increase was not great enough to compensate for declines in on-track and satellite wagers in the state.

The issue of Advance Deposit Wagering needs to be explored in-depth this year to ensure that increases are seen in revenue and handle, and, most importantly, job creation.

Yes, in my opinion, advanced deposit wagering has negatively affected attendance at race tracks. It is too easy to be at home or in the office and bet on races without having to go to a race track or a satellite wagering facility to place a bet. Recognizing this effect, race tracks have to work more effectively and efficiently to induce customers to attend racing and bet on-track. This is essential.

- 5) How would the horse racing industry be affected if the advanced deposit wagering system expires at the end of the year?

In the short-term, the horse racing industry would be negatively affected --- most likely to a significant degree. This would result in decreased handle, purses and jobs. Longer-term, if the declines were not too precipitous, it could have the long-term effect of driving horse players back to the race tracks. On balance, the demise of advanced deposit wagering is not a positive scenario to contemplate.

- 6) How is the Board addressing problem gambling?

The California Horse Racing Board (CHRB) has instituted voluntary efforts to address problem gambling. It is important to note that most other organizations have been mandated into action.

Some of the specific CHRB action steps are:

- a) The horse racing industry funds and helps support the Winners Foundation, an on-track foundation that helps race track employees with addictive behavior. I have

been a member of the Winners Foundation Board of Directors for the past six years.

- b) All race tracks and satellite facilities voluntarily display posters in their facilities.
- c) The racing associations have requested that unused funds (i.e., available funds, but not claimed) be sent to the Gambling Addiction Fund operating under the Office of Problem Gambling (OPG). A total of over \$200,000 is involved.
- d) The racing industry has introduced an Advance Wagering Bill (ADW) that would make the Gambling Addiction Fund a continuing appropriation, amounting to approximately \$165,000 annually.
- e) TVG has produced a 15-second Public Service Announcement which is available through the CHRB's Director of Public Information. In addition, TVG has put a banner on their website with a national phone number.
- f) HRTV has offered to produce PSA's for television.
- g) The Del Mar Race Course has provided rooms that are used by the California Counsel on Problem Gambling to train telephone counselors that operate the hotlines.
- h) For the past three years, a representative has been in place as part of the Problem Gambling Advisory Group. She is focused on accelerating the activities of the Office of Problem Gambling.

As you can see from the activities listed above, the CHRB is dedicated to addressing the issues associated with problem gambling.

- 7) Does the Board's website have any information or referral information for problem gamblers?

The California Horse Racing Board (CHRB) has a link to the Office of Problem Gambling (OPG) on its home page, via the scroll bar, just below the header. The information is available in multiple languages.

- 8) What are the estimated benefits to horse and rider safety of installing Polytrack? Have there been studies on the effectiveness of this type of track?

There are different types of synthetic surfaces. Hollywood Park installed Cushion Track for its Fall, 2006 race meet. Del Mar is in the process of installing Polytrack. Golden Gate will install a Tapeta surface and Santa Anita has not announced as yet which surface they will install this summer.

The benefits of installing synthetic surfaces at race tracks in California have been and will continue to be evident. After installing a Cushion Track, Hollywood Park had virtually no breakdowns last Fall. Conversely, Bay Meadows, with a dirt surface, has had 16 fatalities in just seven weeks of racing since opening February 14 of this year. Similar positive statistics have been seen at Keeneland and Turfway Park in Kentucky. The safety of the horse and the rider is paramount in the eyes of the CHRB. Synthetic tracks are substantially exceeding the expectations concerning improved safety for the horse and the rider.

Beyond safety, there are economic benefits to installing a synthetic track. At Hollywood Park last Fall and continuing into 2007, the backside stalls are 100% full. Trainers who had never raced in California (e.g., Todd Pletcher, Richard Dutrow, Christopher Clement, etc.) have sent horses from the East Coast to Hollywood Park. Trainers are universally enthusiastic about the ability of horses to stay sound while training and racing on synthetic surfaces. Additionally, race track management achieves a payback on the installation of synthetic surfaces, due to less maintenance required compared to dirt surfaces. As a result, the average field size has substantially increased resulting in greater handle and revenue.

The benefits of synthetic surfaces at race tracks are a “win-win” for everyone.

9) How will the upgrade in these tracks be financed?

Each race track will pay for the installation of the synthetic surface that they install. As outlined above, there is a payback for the installation cost. This is due to lower maintenance costs coupled with greater safety for the horses resulting in larger average field size which, in turn, generates greater handle and revenue.

As the race tracks that have installed synthetic surfaces (i.e., Keeneland, Turfway Park, Hollywood Park) get several years of experience with the new track, a payout can be established. Knowledgeable personnel are projecting a 3-4 year payback period.

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Family Council

Committed to Promoting the Welfare of our Incarcerated
Family Members and Loved Ones

PO Box 161422

Sacramento CA 95816-1422

July 11, 2007

Re: Secretary Tilton's Confirmation Hearing - Senate Rules Committee

Dale Richter
Chair, Family Council.

Good afternoon, Mr. President pro Tem and members of the Senate Rules Committee.

The Family Council has been meeting with the CDC, now the CDCR, for over 9 years to discuss issues of importance to families and their loved ones, who are incarcerated in California's prisons.

I don't believe it is necessary to dwell on the multitude of problems facing California's correctional system today. The legislature and the Governor, along with other oversight groups and outside national experts, have well documented the current problems and the need for an overhaul of California's correctional system. We support that effort.

I would like to take the opportunity to accentuate some positive things that are under way within the CDCR and that are of importance to Families and their loved ones.

Visitation Improvement Efforts

Restoration of 3rd day Visiting – the FC worked with Senator Machado and his staff and Secretary Tilton during the Sub #4 budget process in the spring of 2006 to restore a 3rd day of visiting at ten institutions. All ten were brought on line by the end of 2006. We continued our efforts this year to further expand visiting at an additional ten prisons. The FC continues to work with the CDCR to make that happen.

We also have a Family Council /CDCR workgroup to address issues and problems with visiting policies and practices. The goal is to achieve a more Family Friendly Visiting Environment. Local Inmate Family Councils at each institution will play an important role in achieving these outcomes. It is fair to say; however, that there is a considerable amount of work to still be done.

Get on the Bus Visiting Effort – this is a joint effort between the CDCR and

CLINICAL SOCIAL WORKERS -

Family Council

other groups to facilitate visitation between female prisoners & their children. Efforts are underway to expand this program throughout our prison system.

Elimination of the Telephone Concession Fee to the General Fund

The FC has worked with former Secretaries Hickman, Woodford and now Secretary Tilton, who supports the effort, to bring about the phase out of the annual concession to the General Fund, \$26 million dollars. The phase out will result in lower rates that are much more aligned with regular commercial rates paid by other consumers. These higher rates charged on collect calls are an extreme hardship and burden on the families of prisoners. I would add that New York State just eliminated their \$20 million annual concession fee this spring.

Creation of the Office of Family Services

The Family Council initially advanced the concept of the Office of Family Services with former Secretaries Hickman and Woodford, and now Secretary Tilton. The FC presented a concept paper to the CDCR and is preparing to work with the department to form a workgroup to move forward. Our effort is modeled on work that other states have already done in this area, such as Missouri. Ohio has created an Office of Planning and Reentry Services. This office incorporates the Family Connection Piece into their strategies for successful reentry into the community and views the Family Connection piece as essential to achieving recidivism reduction strategies.

Reconstruction of the CDCR Office of Research

Secretary Tilton has recognized the need to rebuild the research arm of the CDCR. Mr. Tilton has brought Dr. Steven Chapman to California, a leader in the field of correctional research with 25 years experience. We support the effort.

*EMPHASIS
ON IMPROVED HEALTHCARE.*

I would now like to turn to our areas of concern:

Out-of-State Transfer plan – we are quite concerned over one of the criterion that is being used for selecting eligible inmates – and that is if you have not had a visit within the last 12 months. There are a number of reasons why a prisoner may not have had a visit in the previous 12 months, i.e. geographical distance, financial hardship, physical difficulty with travel, out of state relatives, etc.

The current plan to modify the standard for Visitor Searches from probable cause to that of reasonable suspicion. We find this to be problematic. Line staff will be given too much latitude and discretion as to what constitutes reasonable suspicion. The statement of reason for this change is the belief that families are

the main source of the introduction of contraband into the institutions. We don't

Family Council

believe the department has compiled sufficient empirical evidence to support this level of intrusion on visitors. We recognize that some visitors may attempt to introduce contraband into the institutions, however; we would remind you that similar to the cell phone issue, staff is not scrutinized and should be considered a potential source for the introduction of contraband.

Lastly, the department has a long way to go to achieve the consistent application of policies and procedures in the daily operations of our correctional institutions. Changing the culture at these institutions is at the crux of the matter.

Thank for the opportunity to testify here today.

[The following text is extremely faint and illegible due to low contrast and blurring. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text per paragraph. The content is not discernible.]



U.N.I.O.N.

UNITED FOR NO INJUSTICE, OPPRESSION OR NEGLECT

P.O. BOX 340371

SACRAMENTO, CA. 95834

916-924-3053

EMAIL: RIGHTOR1@AOL.COM

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July 3, 2007

**Senate Rules Committee
Senator Don Perata State Capitol
Room 420 Sacramento , CA 95814**

Dear Honorable Senator Perata and Rules Committee:

Subject: Oppose Confirmation of Secretary James Tilton

**Senate Rules Committee
Senator Don Perata
State Capitol Room 420
Sacramento , CA 95814**

Dear Honorable Senator Perata and Rules Committee:

Subject: Oppose Confirmation of Secretary James Tilton

United for No Injustice, Oppression or Neglect (UNION) hereby goes on record in opposition of the confirmation of James Tilton as Secretary of the California Department of Corrections and Rehabilitation. We are fully aware that Acting Secretary Tilton inherited many of the problems that plague the prison system today, but in over a year, he has in our opinion allowed these problems to become much worse, primarily by lack of courage to act according to reason over politics.

Secretary Tilton's record clearly backs up this statement. He should have used his authority to implement changes and take actions that would have -- with no threat to public safety whatsoever -- reduced the prison population, retained the minimal rehabilitation programs in place, and allowed the rehabilitation program expansion to which he has been giving lip service since he was appointed to this position. He should have taken responsibility and leadership action in emergency situations, such as medical neglect. Secretary Tilton's lack of action begs answers to many questions:

- Why has he not worked toward eliminating the lengthy bureaucratic delays in the compassionate release process?**
- Why has he not been responsive to, or set up a response team to handle, pleas from prisoners' families whose loved ones suffer, and in some cases die, due to lack of proper and timely medical care?**
- Why has he not taken steps to keep the mentally ill out of Security Housing Units, which in most cases clearly exacerbate their illnesses? Or out of prison altogether, for that matter?**
- Why has he not taken a stronger position on his professed agreement with the need for community programs, alternative sentencing, more effective parole supervision, and increased jail space to stem the flow of thousands, who should rightfully remain local, wrongfully going to prison?**

Objection to Tilton's Confirmation

- **Why has he resorted to the temporary fix of transferring prisoners out of state even if it means involuntarily?**
- **Why is he apparently supporting an upcoming rules change that would increase strip searches of visitors when it is common knowledge that most of the drugs and contraband are brought in by corrections officers? Why does he not crack down on them?**
- **Does his position as head of the Prison Industry Authority board raise conflict of interest issues?**

It appears that Secretary Tilton lacks strong problem-solving and leadership qualities. Rather he is a political puppet catering to a powerful lobby whose members cling to the draconian belief that punishment and dehumanization deter crime and who have a vested interest in building the prison industry. He comes from a finance administration background, and although he utters words of reason and compassion to the press, he seems more concerned with managing his budget and keeping his bosses happy than with real solutions and courageous change in the prison system he is supposed to manage.

Lastly, and perhaps most importantly, with reference to the new 198-page report, "A Roadmap for Effective Offender Programming in California," just released by a panel of corrections experts who say that the report shows how California can cut its inmate population by 27 percent and save nearly \$1 billion a year with a few recommended parole and prison rehabilitation fixes.

Secretary Tilton's response to the media was that the roadmap was a "good starting point" and that the report would not be "put on a shelf" as many previous reports had. But on specifics, he discounted a key part of the roadmap: reducing inmates' sentences and releasing them early as an incentive for completing various programs. Rather, he favored lesser incentives, such as increasing visitation rights, long-distance telephone calls, or vouchers to purchase goods. Good grief! The topic of the report is offender programming, not offender rights or privileges. Where is this man coming from?

The immensely challenging and complex job of California prison management and operations needs to go to someone with much more intelligence, courage, and compassion to ACT than Mr. Tilton has demonstrated. We, the people, do not want a puppet; we want a man (or woman) of action!

Tilton has been named in several of our UNION family lawsuits for a failure to protect the safety of prisoners in life and death situations.

I invite you to read my published columns about all the preventable and needless suffering that our UNION families have endured due to Tilton's poor communication skills, poor management and failure to respond to prisoners and their families or advocates, even in life and death emergencies which already has and will continue to bring about more lawsuits at this link:

<http://www.americanchronicle.com/articles/viewByAuthor.asp?authorID=264>

Sincerely,

Rev. B. Cayenne Bird

Director

WHAT I HAVE BEEN INFORMED AND BELIEVE REGARDING MY RIGHTS AND THE LAW IN GENERAL AS A CALIFORNIA STATE PRISONER.

Although imprisonment results in the loss or restriction of many rights and privileges, prisoners do retain certain rights (this basic principle is often repeated by the courts: e.g., Wolff v. McDonnell (1974) 418 U.S. 539, 555). The rights of California state prisoners are created by combination of the federal and state constitutions, state statutes, CDC regulations, and court decisions. However, court cases interpreting the U.S. Constitution do not define rights prisoners have under state laws and administrative rules.

Although courts may not casually substitute their judgment for that of prison administrators, the "legitimate penological objective" standard of Turner v. Safley (1987) 482 U.S. 78 is "not toothless", and "deference does not mean abdication" (Thornburgh v. Abbott (1989) 490 U.S. 401, 414; Walker v. Sumner (9th Cir. 1990) 917 F.2d 382, 385), but rather requires courts to evaluate whether the security justifications proffered by prison officials are objectively reasonable in violating a prisoner's rights (see, e.g., Walker v. Sumner, supra, ["prison authorities cannot rely on general or conclusory assertions to support their policies"]; Reed v. Falkner (7th Cir. 1988) 842 F.2d 960, 963 [officials may not pile "conjecture upon conjecture" to justify infringement of constitutional rights]; Crofton v. Roe (9th Cir. 1999) 170 F.3d 957 [unsupported security claims couldn't justify infringement on First Amendment rights]).

In addition to California's statutes and constitution, California's prison authorities have created regulations that set forth more detailed rights for prisoners and rules that must be followed by prison officials. State statutes give the CDC director power to make such rules and regulations for the administration of its prisons (Calif. Penal Code § 5058). Prisoners have several important rights regarding these regulations, including the right to have the CDC follow its rules and to petition the courts for a declaration and order that "underground" rules are invalid and unenforceable.

It is well settled that an administrative regulation has the force of law and is binding on the issuing agency (see, United States v. Nixon (1974) 418 U.S. 683, 695-696; Atkins v. Rivera (1986) 477 U.S. 154; Agricultural Labor Relations Board v. Superior Court (1976) 16 Cal.3d 392, 401). In plain language, this means that the CDC must follow its own rules, which California courts have ordered even when the CDC preferred not to because of the benefits resulting to prisoners (see, In re Reina (1985) 171 Cal.App.3d 638; see also, In re French (1980) 106 Cal.App.3d 74, 85, n. 24 [stating that the CDC director's rules are binding on individual prisons]). In appropriate cases, courts have enforced CDC rules by finding that interpretation by prison officials of certain rules were arbitrary or had no reasonable basis (In re Carter (1988) 199 Cal.App.3d 271, 277).

WHAT I HAVE BEEN INFORMED AND BELIEVE REGARDING MY RIGHTS AND THE LAW IN RELATION TO MY STATUS AS A PRISONER WITH DISABILITY.

California law prohibits in prisons not only willful inhumanity and oppression but also cruel or unusual punishment toward prisoners (Calif. Penal Code H 147 & 673). It is also illegal for CDC employees to not only inflict any treatment or allow any lack of care whatever which would injure or impair a prisoner's health but also modify or cancel a CDC doctor's written order for particular medical treatment required to prevent serious and/or imminent harm to a prisoner's health (Calif. Penal Code §§ 2650, 2652, 2653(a), and 2653(b)).

In 1998, the U.S. Supreme Court held that the Americans with Disabilities Act of 1990 ("ADA") applies to prisoners (Pennsylvania Dept. of Corrections v. Yeskey (1998) 524 U.S. 206). Specifically, the Court held that Title II of the ADA -prohibiting a "public entity" from discriminating against a "qualified individual with a disability" on account of that individual's disability-- applies to inmates in state prisons (ibid.; ADA of 1990, 42 U.S.C. § 12131 et seq.).

Section Five of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), is the precursor to the ADA and provides identical protections against disability-based discrimination to those who come within its coverage. However, it applies only to public entities which receive federal funding. California state prisoners have successfully sued CDC under both the ADA and the Rehabilitation Act in Armstrong v. Davis (N.D. Cal.) C94-2307 CW (formerly Armstrong v. Wilson) and Clark v. California (N.D. Cal.) C96-1486 FMS.

As a result of a class-action lawsuit, CDC created a remedial plan to bring its prisons into compliance with the ADA (Armstrong v. Wilson, supra, Remedial Plan dated 11/30/98): see reported decisions on summary judgment motion at 942 F.Supp. 1252 (N.D. Cal. 1996) and 124 F.3d 1019 (9th Cir. 1997)). In addressing prisoners such as Petitioner who are protected under the ADA, the Armstrong Remedial Plan states CDC shall provide reasonable accommodations for known mental-health disabilities of prisoners (see, Plan, § II.E), with public safety and the health, safety, and security of all prisoners and staff remaining the overriding consideration (ibid., # 1).

However, CDC is given provision to not accommodate, but only if it can prove that to do so would create an undue waste of public funds (ibid., # 2). The Armstrong plan further states that health-care needs shall take precedence over all other considerations in determining a prisoner's placement.

WHAT I HAVE BEEN INFORMED AND BELIEVE REGARDING MY RIGHTS AND THE LAW IN RELATION TO MY STATUS AS A PRISONER WITH A SERIOUS MENTAL-HEALTH CONDITION.

Prisoners have a constitutional right to, adequate mental-health care, with inadequate care constituting cruel and unusual punishment in violation of the U.S. Constitution's 8th Amendment (Estelle v. Gamble (1976) 429 U.S. 97; Hutchinson v. United States (9th Cir. 1988) 838 F.2d 390, 394). Although not every failure to provide competent or adequate care will amount to a constitutional violation, courts will find a constitutional violation where a prisoner can show that prison officials acted with "deliberate indifference to a serious medical need" (ibid., deliberate indifference can also occur with regard to mental-health care: see, e.g., Coleman v. Wilson (N.D. Cal. 1995) 912 F.Supp. 1282; Meriwether v. Faulkner (7th Cir. 1987) 821 F.2d 408, 413; Partridge v. Tw Unknown Police Officers (5th Cir. 1986) 791 F.2d 1182, 1187).

Whether a particular course of treatment, or refusal to provide treatment, amounts to "deliberate indifference" generally turns upon the particular facts of a case (see, e.g., Sosebee v. Murphy (4th Cir. 1986) 797 F.2d 179; Jackson v. McKintosh (9th Cir. 1996) 90 F.3d 330; Wood v. Housewright (9th Cir. 1990) 900 F.2d 1332). First the prisoner must show the need was serious, including the existence of an injury that a reasonable doctor or patient would find important and worthy of comment or treatment; presence of a medical condition significantly affecting an individual's daily activities; or existence of chronic and substantial pain (McGuckin v. Smith (9th Cir. 1992) 974 F.2d 1050, 1059-1060; WMX Technologies, Inc. v. Miller (9th Cir. 1997) 104 F.3d 1113; Doty County of Lassen (9th Cir. 1994) 37 F.3d 540; Buckley v. Gomez (S.D. Cal. 1997) 36 F.Supp. 1216).

A prisoner may be able to prove deliberate indifference to a serious medical need when prison officials deny, delay, or interfere with treatment or where the prisoner receives improper medical care. Thus, to prove deliberate indifference, a prisoner need not necessarily show s/he was completely denied medical care (Ortiz v. City of Imperial (9th Cir. 1989) 884 F.2d 1312, 1314; see also, Lopez v. Smith (9th Cir. 2000) 203 F.3d 1122). One situation where courts generally will find deliberate indifference is when a doctor has made an order of recommendation and prison officials ignore, delay, or otherwise interfere with the order or recommendation (Young v. Harris (S.D. NY 1981) 509 F.Supp. 1111; and Johnson v. Harris (S.D. NY 1979) 479 F.Supp. 333; see also, Payne v. Lynaugh (5th Cir. 1988) 843 F.2d 177; Related is the rule that prison officials may not overrule a doctor's medical judgment regarding treatment [see, Tolbert v. Eyman (9th Cir. 1970) 434 F.2d 625]

Failure on the part of prison officials or doctors to attend to the medical needs of a prisoner can constitute deliberate indifference (Duncan v. Duckworth (7th Cir. 1981) 644 F.2d 653; Loe v. Armistead (4th Cir. 1978) 582 F.2d 1291). So too do long delays in the face of recognized treatment, with multiple incidents of improper

delayed care increasing the likelihood that a court will find deliberate indifference (Hunt v. Dental Dept. (9th Cir. 1989) 865 F.2d 198; Todaro v. Ward (2nd Cir. 1977) 565 F.2d 48, 52).

In addition to the possibility of a medical malpractice action, California law specifically states that public employees such as prison staff are liable for injuries when an employee knows or has reason to know that the prisoner is in need of immediate medical care and fails to take reasonable action to summon such care (Gov't Code H 844.6(a) and 845.6; Lucas v. County of Los Angeles (1996) 47 Cal.App.4th 277).

Necessary and appropriate mental-health services are to be provided to California state prisoners, and adequate staff and facilities are to be maintained by CDC for the delivery of such services (CCR15 § 3360(a)). All required mental-health treatment for prisoners is to be provided under supervision of a psychiatrist licensed to practice in California or a licensed California psychologist who holds a doctoral degree with at least two years of experience (CCR15 § 3361(a)). Treatment is to be in accord with sound principles of practice and not to serve a punitive purpose (CCR15 § 3361(c)).

In a recent class-action lawsuit, a federal court ordered California prison officials to create a mental-health-care program to provide adequate care to every prisoner who has a serious mental-health condition (Coleman v. Wilson (E.D. Cal. 1995) 912 F.Supp. 1282). A Special Master was appointed to monitor health care at each of CDC's prisons.

Treatment and monitoring is provided to any prisoner who has a current diagnosis for certain serious mental-health conditions, including all major depressive disorders, bipolar disorders (manic depression), schizophrenia, delusional disorders, and all psychotic disorders (see, CDC Mental Health Services Delivery System Program Guides, at 1-3 & 1-4). Treatment is also provided for any other prisoners diagnosed with or suspected of having any mental-health disorder if "necessary to protect life and/or treat significant disability [or] dysfunctionality."

The Correctional Clinical Case Management System (CCCMS) is the level of care for most prisoners with mental-health conditions. CCCMS patients with symptoms able to be moderated or partially in remission are generally able to function in a normal prison environment. Every CCCMS patient is assigned a clinical case manager who must meet with the prisoner at least once every 90 days. Each CCCMS patient must also have a "treatment plan" which sets treatment goals and objectives and determines appropriate activities and programs for the prisoner. Some CCCMS patients should receive individual or group therapy.

Eric Charles Rodney K'Napp
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